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BILL 227

Government Bill

Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

(68)

An Act to amend The Regional Municipality of York Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment brings the section into line with the provisions of *The Municipal Conflict of Interest Act, 1972.*

SECTION 2. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

BILL 227**1973**

**An Act to amend
The Regional Municipality of York Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 22 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".^{s.22(4), amended}
2. Section 26 of the said Act is amended by adding thereto the following subsection:
 (11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.^{s.26, amended}
3. Section 86 of the said Act is amended by adding thereto the following subsection:
 (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.^{s.86, amended}
4. The said Act is amended by adding thereto the following section:
 90a. On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29^{s.90a, enacted}
 No power in committees of adjustment to grant consents

R.S.O. 1970,
c. 349

of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

s. 108 (1),
amended

5.—(1) Subsection 1 of section 108 of the said Act is amended by striking out "2 to 7" in the sixth line and inserting in lieu thereof "5 and 11a".

s. 108 (3) (b),
re-enacted

(2) Clause b of subsection 3 of the said section 108 is repealed and the following substituted therefor:

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years, provided that any member of the police force of a former local municipality who had a retirement age of sixty-five years immediately before becoming a member of the York Regional Police Force shall, until the 1st day of January, 1975, be retired on the last day of the month in which such member attains the age of sixty-five years.

s. 108,
amended

(3) The said section 108 is amended by adding thereto the following subsections:

Civilian
employee
retirement

(4) Every civilian employee and assistant of the York Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

Application
of R.S.O. 1970,
c. 284, s. 239

(5) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the York Police Board.

s. 125,
amended

6. Section 125 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 15, is further amended by adding thereto the following subsection:

Idem

(5a) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 149 (1),
amended

7. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1, is further amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

SECTION 5. The amendments modify the retirement provisions for members of the police force to provide that policemen retire at sixty and civilian employees at sixty-five. An exception permits certain police officers to continue to have a retirement age of 65. In addition, councils may make retirement allowances available where they see fit to do so.

SECTION 6. Self-explanatory.

SECTION 7. The Regional Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

SECTION 8. The amendment removes the annual limitation on the moneys the Regional Corporation may expend on diffusing promotional information.

SECTION 9. This amendment removes part of the declaration of qualification, now governed by *The Municipal Conflict of Interest Act, 1972*.

- 8.** Section 151 of the said Act is amended by striking out^{s. 151,} "not exceeding \$50,000 in any one year" in the first and second lines.
- 9.** Paragraph 4 of Form 2 of the said Act is repealed. Form 2, par. 4,
repealed
- 10.**—(1) This Act, except section 2, comes into force on the day it^{Commencement} receives Royal Assent.
- (2) Section 2 shall be deemed to have come into force on the^{Idem} 1st day of January, 1971.
- 11.** This Act may be cited as *The Regional Municipality of York Short title Amendment Act, 1973.*

An Act to amend
The Regional Municipality of
York Act

1st Reading

November 15th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

CAZON
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BILL 227

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipality of York Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



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EXPLANATORY NOTES

SECTION 1. The amendment brings the section into line with the provisions of *The Municipal Conflict of Interest Act, 1972.*

SECTION 2. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

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1. Subsection 4 of section 22 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".
2. Section 26 of the said Act is amended by adding thereto the following subsection:
 (11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.
3. Section 86 of the said Act is amended by adding thereto the following subsection:
 (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.
4. The said Act is amended by adding thereto the following section:
 90a.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29.

R.S.O. 1970,
c. 349

of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

Land
division
committee



(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Land
division
committee
to stand in
place of
committees of
adjustment
for certain
purposes



(3) The land division committee referred to in subsection 2 stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

Committee
to consult
with council



(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate.

s. 108 (1),
amended

5.—(1) Subsection 1 of section 108 of the said Act is amended by striking out "2 to 7" in the sixth line and inserting in lieu thereof "5 and 11a".

s. 108 (3) (b),
re-enacted

(2) Clause *b* of subsection 3 of the said section 108 is repealed and the following substituted therefor:

(*b*) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years, provided that any member of the police force of a former local municipality who had a retirement age of sixty-five years immediately before becoming a member of the York Regional Police Force shall, until the 1st day of January, 1975, be retired on the last day of the month in which such member attains the age of sixty-five years.

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SECTION 9. This amendment removes part of the declaration of qualification, now governed by *The Municipal Conflict of Interest Act, 1972*.

(5) Section 239 of *The Municipal Act* applies *mutatis mutandis* Application of R.S.O. 1970, c. 284, s. 239

6. Section 125 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 15, is further amended by adding thereto the following subsection:

(5a) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

7. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1, is further amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

8. Section 151 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

9. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2, par. 4,
repealed

10.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1971.

11. This Act may be cited as *The Regional Municipality of York Amendment Act, 1973*.

An Act to amend
The Regional Municipality of
York Act

1st Reading

November 15th, 1973

2nd Reading

December 5th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Reprinted as amended by the
Committee of the Whole House)

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Government
Publications

BILL 227

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipality of York Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 227

1973

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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2. Section 26 of the said Act is amended by adding thereto the following subsection:
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R.S.O. 1970,
c. 349

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(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Land
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(3) The land division committee referred to in subsection 2 stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

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s. 108 (3) (b),
re-enacted

(2) Clause *b* of subsection 3 of the said section 108 is repealed and the following substituted therefor:

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7. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1, is further amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

8. Section 151 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

9. Paragraph 4 of Form 2 of the said Act is repealed. Form 2, par. 4, repealed

10.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1971.

11. This Act may be cited as *The Regional Municipality of York Amendment Act, 1973*. Short title

An Act to amend
The Regional Municipality of
York Act

1st Reading

November 15th, 1973

2nd Reading

December 5th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CAZON
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-B 56

BILL 228

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Corporations Tax Act, 1972

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

With two exceptions, the amendments proposed in this Bill are designed to incorporate into *The Corporations Tax Act, 1972* changes that have been made in the *Income Tax Act* (Canada) during the spring and summer of this year. The exceptions are:

1. Section 7 of the Bill brings into the Act provisions relating to "basic herds" that parallel provisions contained in the *Income Tax Act* (Canada) that came into force on January 1, 1972.
2. Section 32 of the Bill restricts the lien for taxes created by the Act so that no lien will be claimed against any corporation with respect to a fiscal year of that corporation that commenced prior to January 1, 1962. In addition, a provision is added that will make it clear that the Minister may discharge a lien against a corporation with respect to part of its property, while retaining the lien on the remaining property of the corporation.

BILL 228**1973**

**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 44 of subsection 1 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, is amended by striking out “or bituminous sands” in the second and third lines and inserting in lieu thereof “, bituminous sands, oil sands or oil shale”.
- (2) Paragraph 45 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

45. “mineral resource” means,

- i. a base or precious metal deposit,
- ii. a coal deposit,
- iii. a bituminous sands deposit, oil sands deposit or oil shale deposit, or
- iv. a mineral deposit in respect of which,
 - (A) a certification has been made for purposes of the *Income Tax Act (Canada)*^{1970-71, c. 63 (Can.)} that the principal mineral extracted is an industrial mineral contained in a non-bedded deposit,
 - (B) the principal mineral extracted is sylvite, halite or gypsum, or
 - (C) the principal mineral extracted is silica that is extracted from sandstone or quartzite.

- s. 16 (1) (e) (ii),
amended
- 2.** Subclause ii of clause *e* of subsection 1 of section 16 of the said Act is amended by striking out "or subsection 8 of section 24" in the second line.
- s. 20 (2),
amended
- 3.** Subsection 2 of section 20 of the said Act is amended by striking out "18" in the third line and inserting in lieu thereof of "19".
- s. 22 (4) (a) (ii),
amended
- 4.—(1)** Subclause ii of clause *a* of subsection 4 of section 22 of the said Act is amended by striking out "and" at the end of sub-subclause D, by adding "and" at the end of sub-subclause E and by adding thereto the following sub-subclause:
- (F) the amount, if any, by which the corporation's paid-up capital limit (within the meaning of subsection 1 of section 83) at the end of the year exceeds the limit referred to in sub-subclause A.
- s. 22 (5) (a) (ii),
amended
- (2) Subclause ii of clause *a* of subsection 5 of the said section 22 is amended by striking out "described in subclause i, and" in the third and fourth lines and inserting in lieu thereof "of the corporation, if the shareholder, either alone or together with persons with whom he was not dealing at arm's length, owned 25 per cent or more of the issued shares of any class of the corporation, and"
- s. 22,
amended
- (3) The said section 22, as amended by the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following subsection:
- When
subs. 4 not
applicable
- (8) Subsection 4 does not apply in computing the income for a fiscal year of a corporation whose principal business in Canada throughout the fiscal year was the developing or manufacturing of aircraft or aircraft components.
- s. 24 (1) (f),
amended
- 5.—(1)** Clause *f* of subsection 1 of section 24 of the said Act is amended by striking out the five lines immediately following sub-subclause B of subclause i and striking out subclause ii and inserting in lieu thereof:
- "the amount by which the lesser of the principal amount of the obligation and all amounts paid in the year or in any preceding year in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued, and

- (ii) in any other case, one-half of the lesser of the amount so paid and the amount by which the lesser of the principal amount of the obligation and all amounts paid in the year or in any preceding year in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued".

(2) Subsection 11 of the said section 24 is repealed.

s. 24 (11),
repealed

6. Subsection 1 of section 31 of the said Act is repealed and <sup>s. 31 (1),
re-enacted</sup> the following substituted therefor:

(1) For the purpose of computing the income of a corporation for a fiscal year from a farming business, the income from the business for that fiscal year may, if the corporation so elects under subsection 1 of section 28 of the *Income Tax Act* (Canada), be computed in accordance ^{1970-71, c. 63} _(Can.) with a method (in this section referred to as the "cash" method) whereby the income therefrom for that year shall be deemed to be an amount equal to the aggregate of,

(a) all amounts that,

- (i) were received in the year, or are deemed by this Act to have been received in the year, in the course of carrying on the business, and
- (ii) were in payment of or on account of an amount that would if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other year; and

(b) such amount, if any, as may be specified by the corporation in respect of the business in its return under Part V for the year, not exceeding the fair market value at the end of the year of live stock owned by it at that time in connection with the business,

minus the aggregate of

(c) all amounts that,

- (i) were paid in the year, or are deemed by this Act to have been paid in the year, in the course of carrying on the business, and

- (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other year; and
- (d) the amount, if any, specified by the corporation in respect of the business in accordance with clause *b* in its return under Part V filed for the immediately preceding fiscal year,

and minus any deductions for the year permitted by clauses *a* and *b* of subsection 1 of section 24.

s. 31a,
enacted

7. The said Act is amended by adding thereto the following section:

Disposition
of animal of
basic herd
class

31a.—(1) Where a corporation has a basic herd of a class of animals and disposes of an animal of that class in the course of carrying on a farming business in a fiscal year, if the corporation so elects in its return under Part V for the year the following rules apply,

(a) there shall be deducted in computing the corporation's basic herd of that class at the end of the year such number as is designated by it in its election, not exceeding the least of,

- (i) the number of animals of that class so disposed of by it in the year,
- (ii) 1/10 of its basic herd of that class on December 31, 1971, and
- (iii) its basic herd of that class of animal at the end of the immediately preceding fiscal year; and

(b) there shall be deducted in computing the corporation's income from the farming business for the fiscal year the product obtained when,

- (i) the number determined under clause *a* in respect of its basic herd of that class for the year,

is multiplied by

- (ii) the quotient obtained when the fair market value on December 31, 1971 of its animals

of that class on that day is divided by the number of its animals of that class on that day.

(2) Where a corporation carries on a farming business in a fiscal year and its basic herd of any class at the end of the immediately preceding year, minus the deduction, if any, required by clause *a* of subsection 1 to be made in computing its basic herd of that class at the end of the year, exceeds the number of animals of that class owned by it at the end of the year,

(*a*) there shall be deducted in computing its basic herd of that class at the end of the year the number of animals comprising the excess; and

(*b*) there shall be deducted in computing its income from the farming business for the fiscal year the product obtained when,

(i) the number of animals comprising the excess,
is multiplied by

(ii) the quotient obtained when the fair market value on December 31, 1971 of its animals of that class on that day is divided by the number of its animals of that class on that day.

(3) For the purposes of this section,

Interpre-
tation

(*a*) a corporation's "basic herd" of any class of animals at a particular time means such number of the animals of that class that the corporation had on hand at the end of its 1971 fiscal year as were accepted for the purpose of assessing its tax under Part I of the *Income Tax Act* (Canada) for that year <sup>1970-71, c. 63
(Can.)</sup> to be capital properties and not to be stock-in-trade, minus the numbers, if any, required by virtue of this section to be deducted in computing its basic herd of that class at the end of fiscal years of the corporation ending before the particular time;

(*b*) "class of animals" means animals of a particular species, namely cattle, horses, sheep or swine, that are,

(i) purebred animals of that species for which a certificate of registration has been issued by a person recognized by breeders in Canada

of purebred animals of that species to be the registrar of the breed to which such animals belong, or issued by the Registrar of the Canadian National Livestock Records, or

- (ii) animals of that species other than purebred animals described in subclause i,

each of which descriptions in subclauses i and ii shall be deemed to be of separate classes, except that where the number of the corporation's animals described in subclause i or ii, as the case may be, of a particular species is not greater than 10 per cent of the total number of the corporation's animals of that species that would otherwise be of two separate classes by virtue of this clause, its animals described in subclauses i and ii of that species shall be deemed to be of a single class; and

- (c) in determining the number of animals of any class on hand at any time, an animal shall not be included if it was acquired for a feeder operation, and an animal shall be included only if its actual age is not less than,

- (i) in the case of cattle, 2 years,

- (ii) in the case of horses, 3 years, and

- (iii) in the case of sheep or swine, one year,

except that two animals of a class under the age specified in subclause i, ii or iii, as the case may be, shall be counted as one animal of the age so specified.

s. 33 (1).
re-enacted

8. Subsection 1 of section 33 of the said Act is repealed and the following substituted therefor:

Loss from
farming
where chief
source of
income not
farming

(1) Where a corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income, for the purposes of sections 12 and 99, its loss, if any, for the fiscal year from all farming businesses carried on by it shall be deemed to be the aggregate of,

- (a) the lesser of,

- (i) the amount by which the aggregate of its losses for the fiscal year, determined without

reference to this section and before making any deductions in respect of expenditures described in section 39, from all farming businesses carried on by it exceeds the aggregate of its incomes for the fiscal year, so determined from all such businesses, and

(ii) \$2,500 plus the lesser of,

(A) one-half of the amount by which the amount determined under subclause i exceeds \$2,500, and

(B) \$2,500; and

(b) the amount, if any, by which,

(i) the amount that would be determined under subclause i of clause *a* if it were read as though the words “and before making any deductions in respect of expenditures described in section 39” were deleted,

exceeds

(ii) the amount determined under subclause i of clause *a*,

and for the purposes of this Act the amount, if any, by which the amount determined under subclause i of clause *a* exceeds the amount determined under subclause ii of clause *a* is the corporation’s “restricted farm loss” for the fiscal year.

9. Clause *a* of subsection 1 of section 36 of the said Act is <sup>s. 36(1)(a),
amended</sup> amended by striking out “and clause *o* of subsection 1 of section 24 are” in the first and second lines and inserting in lieu thereof “is”.

10. Section 50 of the said Act is repealed and the following sub- <sup>s. 50,
re-enacted</sup> substituted therefor:

50.—(1) For the purposes of this Subdivision, where a corporation has ceased, at any particular time in a fiscal year and after 1971, to be resident in Canada, it shall be deemed to have disposed, immediately before the particular time, of each property, other than any property that would be taxable Canadian property if at no time in the fiscal year it had been resident in Canada, that was owned by the corporation immediately before the particular time, for proceeds of disposition equal to the fair market value of the property

Deemed disposition of property where corporation has ceased to be resident in Canada

immediately before the particular time, and to have reacquired the property immediately after it so ceased to be resident in Canada at a cost equal to that fair market value.

Deemed acquisition of property on becoming resident in Canada

(2) For the purposes of this Subdivision, where a corporation has become, at any particular time in a fiscal year and after 1971, resident in Canada, it shall be deemed to have acquired at the particular time each property owned by it at that time, other than property that would be taxable Canadian property if it had disposed of it immediately before the particular time at a cost equal to its fair market value at the particular time.

s. 51 (2), amended

11. Subsection 2 of section 51 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 6, is further amended by striking out "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, other than an option the consideration for the granting of which is an amount described in subclause v of clause b of subsection 12 of section 63 and paid pursuant to an agreement described in that subclause, expires" in the amendment of 1973 and inserting in lieu thereof "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it (other than an option to acquire shares of the capital stock of a corporation in consideration for the incurring, pursuant to an agreement described in subclause v of clause b of subsection 12 of section 63, of any expense described in that subclause) expires".

s. 53, amended

12. Section 53 of the said Act is amended by striking out "preferred" in the third line.

s. 54, amended

13.—(1) Section 54 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) For the purposes of this Subdivision, where a corporation to which subsection 2 or 3 of section 2 applies, has acquired property after 1971 that would, if the corporation disposed of it, be taxable Canadian property of that corporation and an amount in respect of the value thereof has been included in computing the corporation's taxable income earned in Canada, the amount so included shall be added in computing the cost to the corporation of that property.

s. 54 (5), repealed

(2) Subsection 5 of the said section 54 is repealed.

s. 54, amended

(3) The said section 54 is further amended by adding thereto the following subsection:

(6) Where a corporation that is a beneficiary under a unit trust has, after 1971, acquired a right to enforce payment of an amount by the unit trust out of its capital gains or income from property for the fiscal year of the corporation in which the right was acquired by it, notwithstanding subsection 1, it shall be deemed to have acquired the right at a cost to it equal to the amount that became so payable minus such portion of that amount as was deductible in computing its income by virtue of subsection 1 of section 62 or subsection 2 of section 93.

14.—(1) Subsection 1 of section 55 of the said Act is amended by<sup>s. 55 (1),
added</sup> adding “and” at the end of clause *i* and adding thereto the following clause:

(*j*) where the property is an expropriation asset of the corporation for the purposes of section 74*a* or an asset of the corporation assumed for the purposes of that section to be an expropriation asset thereof, any amount required by paragraph *b* of subsection 2 of section 80.1 of the *Income Tax Act (Canada)*<sup>1970-71, c. 63
(Can.)</sup> to be added in computing the adjusted cost base to it of the asset.

(2) Clause *d* of subsection 2 of the said section 55 is repealed<sup>s. 55 (2) (d),
re-enacted</sup> and the following substituted therefor:

(*d*) where the property is a share, or an interest therein or a right thereto, of the capital stock of a corporation, an amount equal to any expense incurred by the corporation in consideration therefor, to the extent that the expense was by virtue of sub-clause *v* of clause *b* of subsection 12 of section 63 a Canadian exploration and development expense incurred by it.

(3) Clause *k* of subsection 2 of the said section 55 is amended<sup>s. 55 (2) (k),
amended</sup> by striking out “and” in the sixth line.

(4) Clause *l* of subsection 2 of the said section 55 is repealed<sup>s. 55 (2) (l),
re-enacted</sup> and the following substituted therefor:

(*l*) such part of the cost to the corporation of the property as was deductible (otherwise than by virtue of this Subdivision) in computing the corporation’s income for any fiscal year commencing before that time and ending after 1971; and

(*m*) where the property is an expropriation asset of the corporation for the purposes of section 74*a* or an asset of the corporation assumed for the purposes

1970-71, c. 63
(Can.)

s. 60 (1) (a),
amended

of that section to be an expropriation asset thereof, any amount required by paragraph *b* of subsection 2 of section 80.1 of the *Income Tax Act* (Canada) to be deducted in computing the adjusted cost base to it of the asset.

s. 62 (1, 2),
re-enacted

15. Clause *a* of subsection 1 of section 60 of the said Act is amended by striking out "or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan" in the third, fourth and fifth lines and inserting in lieu thereof "or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan or pursuant to a plan referred to in subsection 9 of section 120 as a 'revoked plan'".

16. Subsections 1 and 2 of section 62 of the said Act are repealed and the following substituted therefor:

Allowance
for oil or
gas well, mine
or timber
limit

(1) There may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

- (a) an oil or gas well, mineral resource or timber limit; or
- (b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed to the corporation by regulation.

Regulations

(2) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1 allowing to a corporation an amount in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

- (a) there may be allowed to the corporation by such regulation an amount in respect of any or all,
 - (i) oil or gas wells or mineral resources in which the corporation has any interest, or
 - (ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and
- (b) notwithstanding any other provision contained in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

17.—(1) Sub-subclause A of subclause ii of clause b of subsection 3 of section 63 of the said Act is repealed and <sup>s. 63 (3) (b) (ii)
(A),</sup> re-enacted the following substituted therefor:

- (A) such part of its income for the fiscal year as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells in Canada or to the production of minerals from mines in Canada.
- (2) Subsection 7 of the said section 63 is amended by striking <sup>s. 63 (7),
(amended</sup> out “that is a principal-business corporation” in the third line.
- (3) Clause a of subsection 7 of the said section 63 is amended <sup>s. 63 (7) (a),
(amended</sup> by striking out “1” in the first line and inserting in lieu thereof “1 or 3, as the case may be”.
- (4) Subclause v of clause b of subsection 12 of the said <sup>s. 63 (12) (b) (v),
(amended</sup> section 63 is amended by striking out “where the corporation is a principal-business corporation, the amount paid by it for any share or any interest therein or right thereto, to the extent that the amount was paid pursuant to an agreement under which it undertook to incur, after 1971, the cost of” in the first, second, third, fourth, fifth and sixth lines and inserting in lieu thereof “any expense incurred by the corporation after 1971 pursuant to an agreement with another corporation under which the corporation incurred the expense solely in consideration for shares of the capital stock of the corporation issued to it by the corporation or any interest in such shares or right thereto, to the extent that the expense was incurred as or on account of the cost of”.
- (5) Subclause vii of clause b of subsection 12 of the said <sup>s. 63 (12)
(b) (vii),</sup> section 63 is repealed and the following substituted ^{re-enacted} therefor:
 - (vii) any expense described in subclause v incurred by another person to the extent that the expense was, by virtue of subclause v, a Canadian exploration and development expense of that other person.
- (6) Subclauses i, ii and iii of clause g of subsection 12 of <sup>s. 63 (12) (g),
(i-iii),</sup> the said section 63 are repealed and the following substituted ^{sub-re-enacted} therefor:

- (i) was a shareholder of the joint exploration corporation, and
- (ii) made payments to the joint exploration corporation in respect of Canadian exploration and development expenses incurred by the joint exploration corporation.

s. 67,
amended

18. Section 67 of the said Act is amended by adding thereto the following subsections:

Debt deemed
not to be
income debt

(4) Where a cash purchase ticket is issued to a corporation in respect of grain delivered in a fiscal year of a corporation to a primary elevator and such ticket entitles the holder thereof to payment by the operator of the elevator of the purchase price, without interest, stated in the ticket for the grain at a date that is after the end of the fiscal year, the amount of the purchase price stated in the ticket shall, notwithstanding any other provision of this section, be included in computing the income of the corporation to whom the ticket was issued for its fiscal year immediately following the fiscal year in which the grain was delivered and not for the fiscal year in which the grain was delivered.

Meaning
of certain
expressions

R.S.C. 1970,
cc. G-16, C-12

(5) For the purposes of subsection 4, the expressions "cash purchase ticket", "operator" and "primary elevator" have the meanings given to those expressions by the *Canada Grain Act* and "grain" means wheat, oats, barley, rye, flaxseed and rapeseed produced in the designated area defined by the *Canadian Wheat Board Act*.

s. 71 (f),
amended

19. Clause f of section 71 of the said Act is amended by adding at the end thereof "or to be deducted in computing the capital cost to the corporation of any depreciable property or the adjusted cost base to it of any capital property".

s. 74a,
enacted

20. The said Act is further amended by adding thereto the following section:

Expropria-
tion assets
acquired as
compensa-
tion for or as
considera-
tion for sale
of foreign
property

1970-71, c. 63
(Can.)

74a. Where, in a fiscal year ending coincidentally with or after December 31, 1971, a corporation that is a taxpayer resident in Canada for purposes of the *Income Tax Act* (Canada) has,

- (a) acquired expropriation assets in any of the circumstances described in section 80.1 of that Act; and
- (b) made the appropriate elections as required by that section,

the provisions of section 80.1 of the *Income Tax Act* (Canada), except paragraphs *c* and *d* of subsection 4 thereof, apply for the purposes of this Act.

21.—(1) Subsection 1 of section 79 of the said Act is amended by<sup>s. 79 (1),
amended</sup> inserting after “person” in the third line “or a property referred to in subsection 2 of section 59 of the person”.

(2) The said section 79 is amended by adding thereto the<sup>s. 79,
amended</sup> following subsection:

(1a) Subsection 1 does not apply with respect to any<sup>Exception
to subs. 1</sup> disposition by a person of any of his property referred to in subsection 2 of section 59 if the corporation to which the property was disposed of has carried on any business before the disposition.

(3) Clause *a* of subsection 2 of the said section 79 is amended<sup>s. 79 (2) (a),
amended</sup> by inserting after “partnership” in the second line “or a property referred to in subsection 2 of section 59 of a partnership”.

(4) The said section 79 is further amended by adding thereto<sup>s. 79,
amended</sup> the following subsection:

(2a) Subsection 2 does not apply with respect to any<sup>Exception
to subs. 2</sup> disposition by a partnership of any partnership property referred to in subsection 2 of section 59 if the corporation to which the property was disposed of has carried on any business before the disposition.

(5) Subsection 3 of the said section 79 is amended by striking<sup>s. 79 (3),
amended</sup> out “and” at the end of clause *f*, by adding “and” at the end of clause *g* and by adding thereto the following clause:

(*h*) where the partnership has distributed partnership property referred to in clause *c* to a member of the partnership, the partnership shall be deemed to have disposed of that property for proceeds equal to the cost amount to the partnership of the property immediately before its distribution.

22.—(1) Subsection 2 of section 81 of the said Act is amended<sup>s. 81 (2),
amended</sup> by adding “and” at the end of clause *za* and by adding thereto the following clause:

(*zb*) where a predecessor corporation was a public corporation immediately before the amalgamation,

the new corporation shall be deemed to have been a public corporation at the commencement of its first fiscal year.

s. 81 (4) (b)
(iii) (A),
re-enacted

(2) Sub-subclause A of subclause iii of clause b of subsection 4 of the said section 81 is repealed and the following substituted therefor:

(A) the persons, except any predecessor corporation, who together owned all of the common shares of the capital stock of the predecessor corporation immediately before the amalgamation together received as consideration for the disposition of those shares on the amalgamation, either,

1. not less than 25 per cent of the shares of each particular class of the issued common shares of the capital stock of the new corporation immediately after the amalgamation, or

2. common shares of the capital stock of the new corporation to which are attached not less than 25 per cent of all votes that could be cast for any and all purposes by holders of common shares of the new corporation immediately after the amalgamation and representing not less than 25 per cent of the fair market value of all common shares of the new corporation issued and outstanding at that time.

s. 81 (5),
re-enacted

(3) Subsection 5 of the said section 81 is repealed and the following substituted therefor:

Determina-
tion of
percentages

(5) In determining any of the percentages referred to in sub-subclause A of subclause iii of clause b of subsection 4, the percentages shall be deemed to be,

(a) the percentages otherwise determined,

plus

(b) that proportion of the percentage otherwise determined that,

- (i) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all other predecessor corporations immediately before the amalgamation,

is of,

- (ii) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all persons, except any predecessor corporation, immediately before the amalgamation.

23.—(1) Subclause ii of clause b of section 82 of the said Act <sup>s. 82(b)(ii),
amended</sup> is amended by inserting after “winding-up” in the sixth line “minus any subsequent deduction from that adjusted cost base that is required by subsection 2 of section 55 to be made as a result of the deemed dividend referred to in clause e”.

(2) Clause e of the said section 82 is amended by striking <sup>s. 82(e),
amended</sup> out “immediately before the winding-up” in the third line and inserting in lieu thereof “at the particular time referred to in subsection 2” and by inserting after “winding-up” in the eighth line “and the dividend shall be deemed to have become payable by the subsidiary at the particular time referred to in subsection 2”.

(3) The said section 82 is amended by adding thereto the <sup>s. 82,
amended</sup> following subsection:

(2) Where a Canadian corporation, whether or not it <sup>Winding-up
of a
Canadian
corporation</sup> is a subsidiary within the meaning of subsection 1, has been wound up after 1971 and, at a particular time in the course of the winding-up, all or substantially all of the property owned by the corporation immediately before that time was distributed to the shareholders of the corporation,

(a) for the purposes of computing,

(i) the corporation’s 1971 capital surplus on hand,

(ii) its paid-up capital deficiency,

(iii) its capital dividend account, and

(iv) its capital gains dividend account (within the meaning given to that expression by section 110),

at the time (in this clause referred to as the "time of computation") immediately before the particular time,

- (v) the fiscal year of the corporation that otherwise would have included the particular time shall be deemed to have ended immediately before the time of computation, and a new fiscal year shall be deemed to have commenced at that time, and
 - (vi) each property of the corporation that was so distributed at the particular time shall be deemed to have been disposed of by the corporation immediately before the end of the fiscal year so deemed to have ended, for proceeds equal to the fair market value thereof immediately before the particular time except that this subclause shall not apply in determining the proceeds of disposition of such property where the corporation is a subsidiary within the meaning of subsection 1; and
- (b) where the corporation is, by virtue of subsection 2 of section 78 or clause *e* of subsection 1, deemed to have paid at the particular time a dividend (in this clause referred to as the "winding-up dividend") on shares of any class of its capital stock, the following rules apply,
- (i) such portion of the winding-up dividend as does not exceed the corporation's capital dividend account immediately before that time or capital gains dividend account immediately before that time, as the case may be, shall be deemed, for the purposes of an election in respect thereof under subsection 2 of section 77 or subsection 4 of section 110, as the case may be, and where the corporation has so elected, for all other purposes, to be the full amount of a separate dividend,
 - (ii) the portion of the winding-up dividend equal to the lesser of,
 - (A) the amount by which the winding-up dividend exceeds the portion thereof in respect of which the corporation has made an election under subsection 2 of section 77 or subsection 4 of section 110, as the case may be, and

- (B) the aggregate of the corporation's tax-paid undistributed surplus on hand immediately before that time and its 1971 capital surplus on hand immediately before that time,

shall, for the purposes of an election in respect thereof under subsection 1 of section 77, and, where the corporation has so elected, for all other purposes, be deemed to be the full amount of a separate dividend,

- (iii) notwithstanding clause *j* of subsection 1 of section 83, the winding-up dividend, to the extent that it exceeds the aggregate of the portions thereof deemed by subclause i or ii to be separate dividends for all purposes, shall be deemed to be a separate dividend that is a taxable dividend, and
- (iv) each person who held any of the issued shares of that class at the particular time shall be deemed to have received that proportion of any separate dividend determined under subclause i, ii or iii that the number of shares of that class held by him immediately before the particular time is of the number of the issued shares of that class outstanding immediately before that time.

- 24.**—(1) Clause *g* of subsection 1 of section 83 of the said Act is <sup>s. 83 (1) (g),
amended</sup> amended by adding at the end thereof “except that where a corporation's first fiscal year ended after 1971 and the corporation has, after 1971 and on or before the day on or before which it was required by section 145 to file its return for that fiscal year, become a public corporation, it shall, if it so elected in that return, be deemed to have been a public corporation from the commencement of that fiscal year until the day on which it so became a public corporation”.
- (2) Clause *h* of subsection 1 of the said section 83 is amended <sup>s. 83 (1) (h),
amended</sup> by adding thereto the following subclause:

- (iiia) an amount in respect of a government right or an original right in respect of a government right (within the meanings referred to in subparagraph ii.1 of paragraph *h* of subsection 1 of section 89 of the *Income Tax* <sup>1970-71, c. 63
(Can.)</sup> held by the corporation at that

time equal to the aggregate of all amounts each of which is an outlay or expenditure referred to in that subparagraph made or incurred by the corporation for the purpose of acquiring the right.

s. 83 (1) (h) (iii),
re-enacted

(3) Subclause iii of clause h of subsection 1 of the said section 83 is repealed and the following substituted therefor:

(iii) an amount in respect of any capital property (other than depreciable property) owned by the corporation at that time equal to,

1970-71, c. 63
(Can.)

(A) in the case of capital property referred to in clause A of subparagraph iii of paragraph h of subsection 1 of section 89 of the *Income Tax Act* (Canada), the amount determined for the purposes of that clause to be the actual cost of the property to the corporation, and

(B) in the case of any other capital property, its cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972*, minus any amounts in respect of the cost thereof deducted in computing the income of the corporation under Part III of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972,

R.S.O. 1970,
c. 91

s. 83 (1) (k) (ii),
amended

(4) Subclause ii of clause k of subsection 1 of the said section 83 is amended by striking out "and" in the fourth line.

s. 83 (1) (k),
amended

1970-71, c. 63
(Can.)

(5) Clause k of subsection 1 of the said section 83 is amended by adding thereto the following subclause:

(iiia) if the corporation has, before the particular time, elected, under subsection 1 of section 196 of the *Income Tax Act* (Canada) in respect of an amount referred to in paragraph b of subsection 1 of section 196 of that Act, to pay a tax on the full amount of its 1971 undistributed income on hand immediately before the election, the amount by which,

(A) all amounts on which, after the particular time and as a result of the election, tax has been paid by the corporation under Part IX of the *Income Tax Act* (Canada) within ninety days from the day of mailing of the notice of assessment of that tax,<sup>1970-71, c. 63
(Can.)</sup>

exceeds

(B) all amounts of that tax, and

- (6) Subclause ii of clause l of subsection 1 of the said section <sup>s. 83 (1) (l) (ii),
83</sup> is amended by inserting after "time," in the fifth line "other than shares of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that were disposed of on the winding-up of the subsidiary where that winding-up commenced after May 29, 1973" and by adding at the end thereof "other than subsections 15, 17 and 21 of section 26 of the *Income Tax Application Rules, 1971* (Canada)".
- (7) Subclause vii of clause l of subsection 1 of the said <sup>s. 83 (1) (l)
(vii),
section 83</sup> is amended by inserting after "time," in the sixth line "other than shares of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that were disposed of on the winding-up of the subsidiary where that winding-up commenced after May 29, 1973" and by inserting after "1972" in the ninth line ", other than subsections 15, 17 and 21 of section 26 of the *Income Tax Application Rules, 1971* (Canada)".
- (8) The said section 83 is amended by adding thereto the <sup>s. 83,
following subsection:</sup> following subsection:
- (3) Where a dividend becomes payable at the same time on more than one class of shares of the capital stock of a corporation, for the purposes of sections 77, 78 and 82, the dividend on any such class of shares shall be deemed to become payable at a different time than the dividend on the other class or classes of shares and such dividends shall be deemed to become payable in the order designated in prescribed manner by the corporation or, in the event that the corporation does not so designate any such order, in the order as determined for purposes of subsection 3 of section 89 of the *Income Tax Act* (Canada).<sup>1970-71, c. 63
(Can.)</sup>

25. Section 85 of the said Act is amended by adding thereto the <sup>s. 85,
following subsection:</sup> following subsection:

Validity of
election by
member of
partnership

(3) Where a corporation that was a member of a partnership during a fiscal period thereof that ended after 1971 has, for any purpose relevant to the computation of its income from the partnership for the fiscal period made or executed an election under the provisions of any of subsections 11 and 12 of section 17, subsection 10 of section 24, subsections 1 to 4 of section 25, section 26, subsection 1 of section 31a, or clause *d* of subsection 1 of section 36, that, but for this subsection, would be a valid election, the following rules apply,

- (a) the election is not valid unless,
 - (i) it was made or executed on behalf of the corporation and each other person who was a member of the partnership during the fiscal period, and
 - (ii) the corporation had authority to act for the partnership;
- (b) unless the election is invalid by virtue of clause *a*, each other person who was a member of the partnership during the fiscal year shall be deemed to have made or executed the election; and
- (c) notwithstanding clause *a*, any election deemed by clause *b* to have been made or executed by any person shall be deemed to be a valid election made or executed by him.

s. 96 (1),
re-enacted

26.—(1) Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

Disposition
by corpora-
tion of
capital
interest

- (1) Where a corporation has disposed of all or any part of its capital interest in a trust,
 - (a) for the purposes of computing the corporation's taxable capital gain, if any, from the disposition of the interest or part thereof, as the case may be, the adjusted cost base to the corporation thereof immediately before the disposition shall be deemed to be an amount equal to the greater of the adjusted cost base to it thereof otherwise determined immediately before that time and the cost amount to it thereof immediately before that time; and
 - (b) for greater certainty, for the purposes of computing the corporation's allowable capital loss, if any, from the disposition of the interest or part thereof, as

the case may be, the adjusted cost base to the corporation thereof immediately before the disposition is the adjusted cost base to it thereof immediately before that time as determined under this Act without reference to clause *a*,

except that where the interest was an interest in an *inter vivos* trust not resident in Canada that was purchased by the corporation, clause *a* does not apply in respect of the disposition of all or any part thereof except where subsection 2 is applicable in respect of any distribution of property by the trust to the corporation in satisfaction of that interest or that part thereof, as the case may be.

(2) Clause *b* of subsection 2 of the said section 96 is repealed ^{s. 96 (2) (b), re-enacted} and the following substituted therefor:

(b) the corporation shall be deemed to have acquired the property at a cost equal to the aggregate of its cost amount to the trust immediately before that time and the amount, if any, by which,

(i) the adjusted cost base to the corporation of the capital interest or part thereof, as the case may be, immediately before that time as determined for the purposes of clause *b* of subsection 1,

exceeds

(ii) the cost amount to the corporation of the capital interest or part thereof, as the case may be, immediately before that time.

27.—(1) Clause *c* of subsection 1 of section 97 of the said Act ^{s. 97 (1) (c), amended} is amended by inserting after “interest” in the first line, the sixth line and the twenty-fourth line “or part thereof, as the case may be” and by striking out “full” in the fifth line.

(2) Subclause *vi* of clause *b* of subsection 2 of the said ^{s. 97 (2) (b), (vi), re-enacted} section 97 is repealed and the following substituted ^{re-enacted} therefor:

(vi) where there were prescribed, for the purposes of this subclause, conditions relating to the number of its unit holders, dispersal of ownership of its units or public trading of its units, all holdings of and transactions in its units accorded with those conditions.

s. 101 (b),
amended

28. Clause *b* of section 101 of the said Act is amended by striking out "viii" in the seventh line and inserting in lieu thereof "ix".

s. 109 (2) (a)
(i) (A),
re-enacted

29.—(1) Sub-subclause A of subclause *i* of clause *a* of subsection 2 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 42, section 8, is repealed and the following substituted therefor:

(A) all capital gains dividends paid by the corporation in the period commencing sixty days after the commencement of the fiscal year and ending sixty days after the end of the fiscal year, and

s. 109 (5) (a),
re-enacted

(2) Clause *a* of subsection 5 of the said section 109, as enacted by the Statutes of Ontario, 1973, chapter 42, section 8, is repealed and the following substituted therefor:

(a) "capital gains dividend account" of a mutual fund corporation at any time means the amount, if any, by which,

(i) its capital gains, for all fiscal years commencing more than sixty days before that time from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

exceeds

(ii) the aggregate of,

(A) its capital losses, for all fiscal years commencing more than sixty days before that time, from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

(B) all capital gains dividends that became payable by the corporation before that time and more than sixty days after the end of the last fiscal year ending more than sixty days before that time, and

(C) all amounts each of which is an amount in respect of any fiscal year of the corporation ending more than sixty days before that time throughout which it was a mutual fund corporation, equal to 16% times its capital gains refund for that year.

30.—(1) Subclause ii of clause *a* of subsection 3 of section 110<sup>s. 110 (3) (a)
(ii),</sup> of the said Act is repealed and the following sub-^{re-enacted} substituted therefor:

(ii) the corporation's surplus at that time, determined in prescribed manner, for such of the fiscal years in the period commencing with the 1950 fiscal year and ending with the 1971 fiscal year as were fiscal years throughout which the corporation was not a non-resident-owned investment corporation; and

(2) The said section 110 is amended by adding thereto the <sup>s. 110,
amended</sup> following subsection:

(4a) Where a dividend has become payable at the same ^{Simulta-}
^{nous} ^{dividends} time on more than one class of shares of the capital stock of a non-resident-owned investment corporation, for the purposes of subsection 4, the dividend on any such class of shares shall be deemed to have become payable at a different time than the dividend on the other class or classes of shares and such dividends shall be deemed to have become payable in the order designated in prescribed manner by the corporation or, in the event that the corporation does not so designate any such order, in the order determined for purposes of the *Income Tax Act* (Canada). 1970-71, c. 63
(Can.)

31. Section 111 of the said Act is amended by striking out ^{s. 111,}
“section 77 and section 81” in the sixth line and inserting ^{amended} in lieu thereof “section 77, section 81 and subsection 2 of section 82”.

32.—(1) Subsection 1 of section 167 of the said Act is amended <sup>s. 167 (1),
amended</sup> by striking out “Act” in the second line and inserting in lieu thereof “or any predecessor Act in respect of any fiscal year of a corporation that commences after the 31st day of December, 1961” and by striking out “(except prescribed property)” in the fourth and fifth lines.

s. 167 (2),
amended

(2) Subsection 2 of the said section 167 is amended by striking out "Act" in the second line and inserting in lieu thereof "or any predecessor Act in respect of a fiscal year that commences after the 31st day of December, 1961".

s. 167,
amended

(3) The said section 167 is amended by adding thereto the following subsection:

Waiver of
lien

(3) Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of the property of a corporation any lien and charge for taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act.

Commence-
ment

33.—(1) This Act, except sections 1 to 11, 13 to 19, 21 to 24, and 26 to 32, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3, subsection 1 of section 4, subsection 1 of section 5, sections 6 to 11, sections 13, 14, 17 and 19, subsection 1 of section 22, section 23, subsections 1, 2, 3, 4, 5 and 8 of section 24, sections 26 to 28, and sections 30, 31 and 32, shall be deemed to have come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years that end during or after 1972.

Idem

(3) Subsections 1, 2, 3 and 4 of section 21 shall be deemed to have come into force on the 1st day of January, 1972 and apply with respect to dispositions made on or after that date.

Idem

(4) Subsection 5 of section 21 shall be deemed to have come into force on the 1st day of January, 1972 and applies with respect to distributions of partnership property received as consideration for dispositions made after 1971.

Idem

(5) Section 1 shall be deemed to have come into force on the 9th day of May, 1972 and applies to corporations in respect of all fiscal years that end during or after 1972, but does not apply in respect of any acquisition or disposition made before the 9th day of May, 1972 of,

(a) an oil sands deposit;

(b) an oil shale deposit; or

(c) a mineral deposit in respect of which the principal mineral extracted is halite that is extracted by operating a brine well.

- (6) Subsection 3 of section 4, subsection 2 of section 5, and sections 16 and 18 shall be deemed to have come into force on the 1st day of January, 1973 and apply to corporations in respect of all fiscal years that end during or after 1973.
- (7) Subsections 6 and 7 of section 24 shall be deemed to have come into force on the 31st day of January, 1973 and apply with respect to dispositions of capital property made after that date.
- (8) Subsection 2 of section 4 shall be deemed to have come into force on the 19th day of February, 1973 and applies to corporations in respect of all fiscal years that commence after that date.
- (9) Section 15 shall be deemed to have come into force on the 19th day of February, 1973 and applies with respect to any payment of an annuity where such payments are received after that date.
- (10) Subsections 2 and 3 of section 22 shall be deemed to have come into force on the 29th day of May, 1973 and apply with respect to amalgamations that take place after that date.
- (11) Section 29 shall be deemed to have come into force on the 27th day of July, 1973 and applies to corporations in respect of all fiscal years that commence after that date.
- (12) Unless the context otherwise requires, the same meaning shall be given to words and expressions used in this section as they bear in *The Corporations Tax Act, 1972*,^{1972, c. 143} as amended by this Act and by *The Corporations Tax Amendment Act, 1973*.^{1973, c. 42}

34. This Act may be cited as *The Corporations Tax Amendment Act, 1973* (*No. 2*). Short title

An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 15th, 1973

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(*Government Bill*)

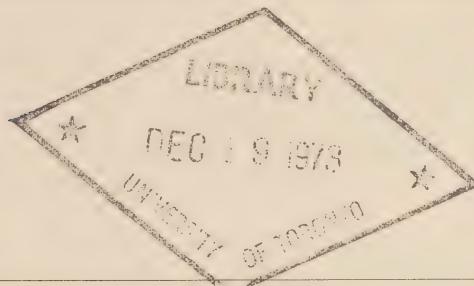
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22 ELIZABETH II, 1973

An Act to amend The Corporations Tax Act, 1972



THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

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**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 44 of subsection 1 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, is amended <sup>s. 1 (1) par. 44,
amended</sup> by striking out “or bituminous sands” in the second and third lines and inserting in lieu thereof “, bituminous sands, oil sands or oil shale”.

(2) Paragraph 45 of subsection 1 of the said section 1 is <sup>s. 1 (1) par. 45,
re-enacted</sup> repealed and the following substituted therefor:

45. “mineral resource” means,

- i. a base or precious metal deposit,
- ii. a coal deposit,
- iii. a bituminous sands deposit, oil sands deposit or oil shale deposit, or
- iv. a mineral deposit in respect of which,

(A) a certification has been made for purposes of the *Income Tax Act (Canada)* <sup>1970-71, c. 63
(Can.)</sup> that the principal mineral extracted is an industrial mineral contained in a non-bedded deposit,

(B) the principal mineral extracted is sylvite, halite or gypsum, or

(C) the principal mineral extracted is silica that is extracted from sandstone or quartzite.

- s. 16 (1) (e) (ii),
amended
- 2.** Subclause ii of clause *e* of subsection 1 of section 16 of the said Act is amended by striking out “or subsection 8 of section 24” in the second line.
- s. 20 (2),
amended
- 3.** Subsection 2 of section 20 of the said Act is amended by striking out “18” in the third line and inserting in lieu thereof “19”.
- s. 22 (4) (a) (ii),
amended
- 4.—(1)** Subclause ii of clause *a* of subsection 4 of section 22 of the said Act is amended by striking out “and” at the end of sub-subclause D, by adding “and” at the end of sub-subclause E and by adding thereto the following sub-subclause:
- (F) the amount, if any, by which the corporation’s paid-up capital limit (within the meaning of subsection 1 of section 83) at the end of the year exceeds the limit referred to in sub-subclause A.
- s. 22 (5) (a) (ii),
amended
- (2) Subclause ii of clause *a* of subsection 5 of the said section 22 is amended by striking out “described in subclause i, and” in the third and fourth lines and inserting in lieu thereof “of the corporation, if the shareholder, either alone or together with persons with whom he was not dealing at arm’s length, owned 25 per cent or more of the issued shares of any class of the corporation, and”
- s. 22,
amended
- (3) The said section 22, as amended by the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following subsection:
- (8) Subsection 4 does not apply in computing the income for a fiscal year of a corporation whose principal business in Canada throughout the fiscal year was the developing or manufacturing of aircraft or aircraft components.
- When
subs. 4 not
applicable
- s. 24 (1) (f),
amended
- 5.—(1)** Clause *f* of subsection 1 of section 24 of the said Act is amended by striking out the five lines immediately following sub-subclause B of subclause i and striking out subclause ii and inserting in lieu thereof:
- “the amount by which the lesser of the principal amount of the obligation and all amounts paid in the year or in any preceding year in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued, and

- (ii) in any other case, one-half of the lesser of the amount so paid and the amount by which the lesser of the principal amount of the obligation and all amounts paid in the year or in any preceding year in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued".

(2) Subsection 11 of the said section 24 is repealed.

s. 24 (11),
repealed

6. Subsection 1 of section 31 of the said Act is repealed and <sup>s. 31 (1),
re-enacted</sup> the following substituted therefor:

(1) For the purpose of computing the income of a corporation for a fiscal year from a farming business, the income from the business for that fiscal year may, if the corporation so elects under subsection 1 of section 28 of the *Income Tax Act* (Canada), be computed in accordance ^{1970-71, c. 63} with a method (in this section referred to as the "cash" ^(Can.) method) whereby the income therefrom for that year shall be deemed to be an amount equal to the aggregate of,

(a) all amounts that,

(i) were received in the year, or are deemed by this Act to have been received in the year, in the course of carrying on the business, and

(ii) were in payment of or on account of an amount that would if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other year; and

(b) such amount, if any, as may be specified by the corporation in respect of the business in its return under Part V for the year, not exceeding the fair market value at the end of the year of live stock owned by it at that time in connection with the business,

minus the aggregate of

(c) all amounts that,

(i) were paid in the year, or are deemed by this Act to have been paid in the year, in the course of carrying on the business, and

(ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other year; and

(d) the amount, if any, specified by the corporation in respect of the business in accordance with clause *b* in its return under Part V filed for the immediately preceding fiscal year,

and minus any deductions for the year permitted by clauses *a* and *b* of subsection 1 of section 24.

s. 31a,
enacted

7. The said Act is amended by adding thereto the following section:

Disposition
of animal of
basic herd
class

31a.—(1) Where a corporation has a basic herd of a class of animals and disposes of an animal of that class in the course of carrying on a farming business in a fiscal year, if the corporation so elects in its return under Part V for the year the following rules apply,

(a) there shall be deducted in computing the corporation's basic herd of that class at the end of the year such number as is designated by it in its election, not exceeding the least of,

(i) the number of animals of that class so disposed of by it in the year,

(ii) 1/10 of its basic herd of that class on December 31, 1971, and

(iii) its basic herd of that class of animal at the end of the immediately preceding fiscal year; and

(b) there shall be deducted in computing the corporation's income from the farming business for the fiscal year the product obtained when,

(i) the number determined under clause *a* in respect of its basic herd of that class for the year,

is multiplied by

(ii) the quotient obtained when the fair market value on December 31, 1971 of its animals

of that class on that day is divided by the number of its animals of that class on that day.

(2) Where a corporation carries on a farming business in a fiscal year and its basic herd of any class at the end of the immediately preceding year, minus the deduction, if any, required by clause *a* of subsection 1 to be made in computing its basic herd of that class at the end of the year, exceeds the number of animals of that class owned by it at the end of the year,

(*a*) there shall be deducted in computing its basic herd of that class at the end of the year the number of animals comprising the excess; and

(*b*) there shall be deducted in computing its income from the farming business for the fiscal year the product obtained when,

(i) the number of animals comprising the excess,

is multiplied by

(ii) the quotient obtained when the fair market value on December 31, 1971 of its animals of that class on that day is divided by the number of its animals of that class on that day.

(3) For the purposes of this section,

Interpre-
tation

(*a*) a corporation's "basic herd" of any class of animals at a particular time means such number of the animals of that class that the corporation had on hand at the end of its 1971 fiscal year as were accepted for the purpose of assessing its tax under Part I of the *Income Tax Act* (Canada) for that year to be capital properties and not to be stock-in-trade, minus the numbers, if any, required by virtue of this section to be deducted in computing its basic herd of that class at the end of fiscal years of the corporation ending before the particular time;

<sup>1970-71, c. 63
(Can.)</sup>

(*b*) "class of animals" means animals of a particular species, namely cattle, horses, sheep or swine, that are,

(i) purebred animals of that species for which a certificate of registration has been issued by a person recognized by breeders in Canada

of purebred animals of that species to be the registrar of the breed to which such animals belong, or issued by the Registrar of the Canadian National Livestock Records, or

- (ii) animals of that species other than purebred animals described in subclause i,

each of which descriptions in subclauses i and ii shall be deemed to be of separate classes, except that where the number of the corporation's animals described in subclause i or ii, as the case may be, of a particular species is not greater than 10 per cent of the total number of the corporation's animals of that species that would otherwise be of two separate classes by virtue of this clause, its animals described in subclauses i and ii of that species shall be deemed to be of a single class; and

- (c) in determining the number of animals of any class on hand at any time, an animal shall not be included if it was acquired for a feeder operation, and an animal shall be included only if its actual age is not less than,

(i) in the case of cattle, 2 years,

(ii) in the case of horses, 3 years, and

(iii) in the case of sheep or swine, one year,

except that two animals of a class under the age specified in subclause i, ii or iii, as the case may be, shall be counted as one animal of the age so specified.

s. 33 (1),
re-enacted

8. Subsection 1 of section 33 of the said Act is repealed and the following substituted therefor:

Loss from
farming
where chief
source of
income not
farming

(1) Where a corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income, for the purposes of sections 12 and 99, its loss, if any, for the fiscal year from all farming businesses carried on by it shall be deemed to be the aggregate of,

- (a) the lesser of,

(i) the amount by which the aggregate of its losses for the fiscal year, determined without

reference to this section and before making any deductions in respect of expenditures described in section 39, from all farming businesses carried on by it exceeds the aggregate of its incomes for the fiscal year, so determined from all such businesses, and

- (ii) \$2,500 plus the lesser of,
- (A) one-half of the amount by which the amount determined under subclause i exceeds \$2,500, and

(B) \$2,500; and

(b) the amount, if any, by which,

- (i) the amount that would be determined under subclause i of clause *a* if it were read as though the words "and before making any deductions in respect of expenditures described in section 39" were deleted,

exceeds

- (ii) the amount determined under subclause i of clause *a*,

and for the purposes of this Act the amount, if any, by which the amount determined under subclause i of clause *a* exceeds the amount determined under subclause ii of clause *a* is the corporation's "restricted farm loss" for the fiscal year.

9. Clause *a* of subsection 1 of section 36 of the said Act is <sup>s. 36 (1) (a),
amended</sup> amended by striking out "and clause *o* of subsection 1 of section 24 are" in the first and second lines and inserting in lieu thereof "is".
10. Section 50 of the said Act is repealed and the following sub- <sup>s. 50,
re-enacted</sup> substituted therefor:

50.—(1) For the purposes of this Subdivision, where a corporation has ceased, at any particular time in a fiscal year and after 1971, to be resident in Canada, it shall be deemed to have disposed, immediately before the particular time, of each property, other than any property that would be taxable Canadian property if at no time in the fiscal year it had been resident in Canada, that was owned by the corporation immediately before the particular time, for proceeds of disposition equal to the fair market value of the property

immediately before the particular time, and to have re-acquired the property immediately after it so ceased to be resident in Canada at a cost equal to that fair market value.

Deemed
acquisition of
property on
becoming
resident in
Canada

(2) For the purposes of this Subdivision, where a corporation has become, at any particular time in a fiscal year and after 1971, resident in Canada, it shall be deemed to have acquired at the particular time each property owned by it at that time, other than property that would be taxable Canadian property if it had disposed of it immediately before the particular time at a cost equal to its fair market value at the particular time.

s. 51 (2),
amended

11. Subsection 2 of section 51 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 6, is further amended by striking out "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, other than an option the consideration for the granting of which is an amount described in subclause v of clause b of subsection 12 of section 63 and paid pursuant to an agreement described in that subclause, expires" in the amendment of 1973 and inserting in lieu thereof "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it (other than an option to acquire shares of the capital stock of a corporation in consideration for the incurring, pursuant to an agreement described in subclause v of clause b of subsection 12 of section 63, of any expense described in that subclause) expires".

s. 53,
amended

12. Section 53 of the said Act is amended by striking out "preferred" in the third line.

s. 54,
amended

13.—(1) Section 54 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) For the purposes of this Subdivision, where a corporation to which subsection 2 or 3 of section 2 applies, has acquired property after 1971 that would, if the corporation disposed of it, be taxable Canadian property of that corporation and an amount in respect of the value thereof has been included in computing the corporation's taxable income earned in Canada, the amount so included shall be added in computing the cost to the corporation of that property.

s. 54 (5),
repealed

(2) Subsection 5 of the said section 54 is repealed.

s. 54,
amended

(3) The said section 54 is further amended by adding thereto the following subsection:

(6) Where a corporation that is a beneficiary under a unit trust has, after 1971, acquired a right to enforce payment of an amount by the unit trust out of its capital gains or income from property for the fiscal year of the corporation in which the right was acquired by it, notwithstanding subsection 1, it shall be deemed to have acquired the right at a cost to it equal to the amount that became so payable minus such portion of that amount as was deductible in computing its income by virtue of subsection 1 of section 62 or subsection 2 of section 93.

14.—(1) Subsection 1 of section 55 of the said Act is amended by<sup>s. 55 (1),
added</sup> adding “and” at the end of clause *i* and adding thereto the following clause:

(*j*) where the property is an expropriation asset of the corporation for the purposes of section 74*a* or an asset of the corporation assumed for the purposes of that section to be an expropriation asset thereof, any amount required by paragraph *b* of subsection 2 of section 80.1 of the *Income Tax Act (Canada)*<sup>1970-71, c. 63
(Can.)</sup> to be added in computing the adjusted cost base to it of the asset.

(2) Clause *d* of subsection 2 of the said section 55 is repealed<sup>s. 55 (2) (d),
re-enacted</sup> and the following substituted therefor:

(*d*) where the property is a share, or an interest therein or a right thereto, of the capital stock of a corporation, an amount equal to any expense incurred by the corporation in consideration therefor, to the extent that the expense was by virtue of sub-clause *v* of clause *b* of subsection 12 of section 63 a Canadian exploration and development expense incurred by it.

(3) Clause *k* of subsection 2 of the said section 55 is amended<sup>s. 55 (2) (k),
amended</sup> by striking out “and” in the sixth line.

(4) Clause *l* of subsection 2 of the said section 55 is repealed<sup>s. 55 (2) (l),
re-enacted</sup> and the following substituted therefor:

(*l*) such part of the cost to the corporation of the property as was deductible (otherwise than by virtue of this Subdivision) in computing the corporation’s income for any fiscal year commencing before that time and ending after 1971; and

(*m*) where the property is an expropriation asset of the corporation for the purposes of section 74*a* or an asset of the corporation assumed for the purposes

1970-71, c. 63
(Can.)

of that section to be an expropriation asset thereof, any amount required by paragraph *b* of subsection 2 of section 80.1 of the *Income Tax Act* (Canada) to be deducted in computing the adjusted cost base to it of the asset.

s. 60 (1) (*a*),
amended

15. Clause *a* of subsection 1 of section 60 of the said Act is amended by striking out "or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan" in the third, fourth and fifth lines and inserting in lieu thereof "or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan or pursuant to a plan referred to in subsection 9 of section 120 as a 'revoked plan'".

s. 62 (1, 2),
re-enacted

16. Subsections 1 and 2 of section 62 of the said Act are repealed and the following substituted therefor:

Allowance
for oil or
gas well, mine
or timber
limit

(1) There may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

(a) an oil or gas well, mineral resource or timber limit; or

(b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed to the corporation by regulation.

Regulations

(2) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1 allowing to a corporation an amount in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

(a) there may be allowed to the corporation by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has any interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(b) notwithstanding any other provision contained in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

17.—(1) Sub-subclause A of subclause ii of clause b of subsection 3 of section 63 of the said Act is repealed and re-enacted <sup>s.63 (3) (b) (ii),
(A),</sup> the following substituted therefor:

- (A) such part of its income for the fiscal year as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells in Canada or to the production of minerals from mines in Canada.
- (2) Subsection 7 of the said section 63 is amended by striking <sup>s.63 (7),
amended</sup> out “that is a principal-business corporation” in the third line.
- (3) Clause a of subsection 7 of the said section 63 is amended <sup>s.63 (7) (a),
amended</sup> by striking out “1” in the first line and inserting in lieu thereof “1 or 3, as the case may be”.
- (4) Subclause v of clause b of subsection 12 of the said <sup>s.63 (12) (b) (v),
amended</sup> section 63 is amended by striking out “where the corporation is a principal-business corporation, the amount paid by it for any share or any interest therein or right thereto, to the extent that the amount was paid pursuant to an agreement under which it undertook to incur, after 1971, the cost of” in the first, second, third, fourth, fifth and sixth lines and inserting in lieu thereof “any expense incurred by the corporation after 1971 pursuant to an agreement with another corporation under which the corporation incurred the expense solely in consideration for shares of the capital stock of the corporation issued to it by the corporation or any interest in such shares or right thereto, to the extent that the expense was incurred as or on account of the cost of”.
- (5) Subclause vii of clause b of subsection 12 of the said <sup>s.63 (12)
(b) (vii),</sup> section 63 is repealed and the following substituted ^{re-enacted} therefor:
 - (vii) any expense described in subclause v incurred by another person to the extent that the expense was, by virtue of subclause v, a Canadian exploration and development expense of that other person.
- (6) Subclauses i, ii and iii of clause g of subsection 12 of <sup>s.63 (12) (g),
(i-iii),</sup> the said section 63 are repealed and the following substituted ^{re-enacted} therefor:

- (i) was a shareholder of the joint exploration corporation, and
- (ii) made payments to the joint exploration corporation in respect of Canadian exploration and development expenses incurred by the joint exploration corporation.

s. 67,
amended

18. Section 67 of the said Act is amended by adding thereto the following subsections:

Debt deemed
not to be
income debt

(4) Where a cash purchase ticket is issued to a corporation in respect of grain delivered in a fiscal year of a corporation to a primary elevator and such ticket entitles the holder thereof to payment by the operator of the elevator of the purchase price, without interest, stated in the ticket for the grain at a date that is after the end of the fiscal year, the amount of the purchase price stated in the ticket shall, notwithstanding any other provision of this section, be included in computing the income of the corporation to whom the ticket was issued for its fiscal year immediately following the fiscal year in which the grain was delivered and not for the fiscal year in which the grain was delivered.

Meaning
of certain
expressions

R.S.C. 1970.
cc. G-16, C-12

(5) For the purposes of subsection 4, the expressions "cash purchase ticket", "operator" and "primary elevator" have the meanings given to those expressions by the *Canada Grain Act* and "grain" means wheat, oats, barley, rye, flaxseed and rapeseed produced in the designated area defined by the *Canadian Wheat Board Act*.

s. 71 (f),
amended

19. Clause *f* of section 71 of the said Act is amended by adding at the end thereof "or to be deducted in computing the capital cost to the corporation of any depreciable property or the adjusted cost base to it of any capital property".

s. 74a,
enacted

20. The said Act is further amended by adding thereto the following section:

Expropria-
tion assets
acquired as
compensa-
tion for or as
considera-
tion for sale
of foreign
property

1970-71, c. 63
(Can.)

74a. Where, in a fiscal year ending coincidentally with or after December 31, 1971, a corporation that is a taxpayer resident in Canada for purposes of the *Income Tax Act* (Canada) has,

(a) acquired expropriation assets in any of the circumstances described in section 80.1 of that Act; and

(b) made the appropriate elections as required by that section,

the provisions of section 80.1 of the *Income Tax Act* (Canada), except paragraphs *c* and *d* of subsection 4 thereof, apply for the purposes of this Act.

- 21.**—(1) Subsection 1 of section 79 of the said Act is amended by<sup>s. 79 (1),
amended</sup> inserting after “person” in the third line “or a property referred to in subsection 2 of section 59 of the person”.
- (2) The said section 79 is amended by adding thereto the<sup>s. 79,
amended</sup> following subsection:

(1a) Subsection 1 does not apply with respect to any<sup>Exception
to subs. 1</sup> disposition by a person of any of his property referred to in subsection 2 of section 59 if the corporation to which the property was disposed of has carried on any business before the disposition.

(3) Clause *a* of subsection 2 of the said section 79 is amended<sup>s. 79 (2) (a),
amended</sup> by inserting after “partnership” in the second line “or a property referred to in subsection 2 of section 59 of a partnership”.

(4) The said section 79 is further amended by adding thereto<sup>s. 79,
amended</sup> the following subsection:

(2a) Subsection 2 does not apply with respect to any<sup>Exception
to subs. 2</sup> disposition by a partnership of any partnership property referred to in subsection 2 of section 59 if the corporation to which the property was disposed of has carried on any business before the disposition.

(5) Subsection 3 of the said section 79 is amended by striking<sup>s. 79 (3),
amended</sup> out “and” at the end of clause *f*, by adding “and” at the end of clause *g* and by adding thereto the following clause:

(*h*) where the partnership has distributed partnership property referred to in clause *c* to a member of the partnership, the partnership shall be deemed to have disposed of that property for proceeds equal to the cost amount to the partnership of the property immediately before its distribution.

- 22.**—(1) Subsection 2 of section 81 of the said Act is amended<sup>s. 81 (2),
amended</sup> by adding “and” at the end of clause *za* and by adding thereto the following clause:

(*zb*) where a predecessor corporation was a public corporation immediately before the amalgamation,

the new corporation shall be deemed to have been a public corporation at the commencement of its first fiscal year.

s. 81 (4) (b)
(iii) (A),
re-enacted

- (2) Sub-subclause A of subclause iii of clause *b* of subsection 4 of the said section 81 is repealed and the following substituted therefor:
- (A) the persons, except any predecessor corporation, who together owned all of the common shares of the capital stock of the predecessor corporation immediately before the amalgamation together received as consideration for the disposition of those shares on the amalgamation, either,
 - 1. not less than 25 per cent of the shares of each particular class of the issued common shares of the capital stock of the new corporation immediately after the amalgamation, or
 - 2. common shares of the capital stock of the new corporation to which are attached not less than 25 per cent of all votes that could be cast for any and all purposes by holders of common shares of the new corporation immediately after the amalgamation and representing not less than 25 per cent of the fair market value of all common shares of the new corporation issued and outstanding at that time.

s. 81 (5),
re-enacted

Determina-
tion of
percentages

- (3) Subsection 5 of the said section 81 is repealed and the following substituted therefor:

(5) In determining any of the percentages referred to in sub-subclause A of subclause iii of clause *b* of subsection 4, the percentages shall be deemed to be,

(a) the percentages otherwise determined,

plus

(b) that proportion of the percentage otherwise determined that,

- (i) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all other predecessor corporations immediately before the amalgamation,

is of,

- (ii) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all persons, except any predecessor corporation, immediately before the amalgamation.

- 23.—(1)** Subclause ii of clause b of section 82 of the said Act <sup>s. 82(b)(ii),
amended</sup> is amended by inserting after “winding-up” in the sixth line “minus any subsequent deduction from that adjusted cost base that is required by subsection 2 of section 55 to be made as a result of the deemed dividend referred to in clause e”.
- (2) Clause e of the said section 82 is amended by striking <sup>s. 82(e),
amended</sup> out “immediately before the winding-up” in the third line and inserting in lieu thereof “at the particular time referred to in subsection 2” and by inserting after “winding-up” in the eighth line “and the dividend shall be deemed to have become payable by the subsidiary at the particular time referred to in subsection 2”.
- (3) The said section 82 is amended by adding thereto the <sup>s. 82,
amended</sup> following subsection:

(2) Where a Canadian corporation, whether or not it <sup>Winding-up
of a
Canadian
corporation</sup> is a subsidiary within the meaning of subsection 1, has been wound up after 1971 and, at a particular time in the course of the winding-up, all or substantially all of the property owned by the corporation immediately before that time was distributed to the shareholders of the corporation,

(a) for the purposes of computing,

- (i) the corporation’s 1971 capital surplus on hand,
- (ii) its paid-up capital deficiency,
- (iii) its capital dividend account, and
- (iv) its capital gains dividend account (within the meaning given to that expression by section 110),

at the time (in this clause referred to as the "time of computation") immediately before the particular time,

- (v) the fiscal year of the corporation that otherwise would have included the particular time shall be deemed to have ended immediately before the time of computation, and a new fiscal year shall be deemed to have commenced at that time, and
 - (vi) each property of the corporation that was so distributed at the particular time shall be deemed to have been disposed of by the corporation immediately before the end of the fiscal year so deemed to have ended, for proceeds equal to the fair market value thereof immediately before the particular time except that this subclause shall not apply in determining the proceeds of disposition of such property where the corporation is a subsidiary within the meaning of subsection 1; and
- (b) where the corporation is, by virtue of subsection 2 of section 78 or clause *e* of subsection 1, deemed to have paid at the particular time a dividend (in this clause referred to as the "winding-up dividend") on shares of any class of its capital stock, the following rules apply,
- (i) such portion of the winding-up dividend as does not exceed the corporation's capital dividend account immediately before that time or capital gains dividend account immediately before that time, as the case may be, shall be deemed, for the purposes of an election in respect thereof under subsection 2 of section 77 or subsection 4 of section 110, as the case may be, and where the corporation has so elected, for all other purposes, to be the full amount of a separate dividend,
 - (ii) the portion of the winding-up dividend equal to the lesser of,
 - (A) the amount by which the winding-up dividend exceeds the portion thereof in respect of which the corporation has made an election under subsection 2 of section 77 or subsection 4 of section 110, as the case may be, and

- (B) the aggregate of the corporation's tax-paid undistributed surplus on hand immediately before that time and its 1971 capital surplus on hand immediately before that time,

shall, for the purposes of an election in respect thereof under subsection 1 of section 77, and, where the corporation has so elected, for all other purposes, be deemed to be the full amount of a separate dividend,

- (iii) notwithstanding clause *j* of subsection 1 of section 83, the winding-up dividend, to the extent that it exceeds the aggregate of the portions thereof deemed by subclause i or ii to be separate dividends for all purposes, shall be deemed to be a separate dividend that is a taxable dividend, and
- (iv) each person who held any of the issued shares of that class at the particular time shall be deemed to have received that proportion of any separate dividend determined under subclause i, ii or iii that the number of shares of that class held by him immediately before the particular time is of the number of the issued shares of that class outstanding immediately before that time.

- 24.**—(1) Clause *g* of subsection 1 of section 83 of the said Act is <sup>s. 83 (1) (g),
amended</sup> amended by adding at the end thereof “except that where a corporation's first fiscal year ended after 1971 and the corporation has, after 1971 and on or before the day on or before which it was required by section 145 to file its return for that fiscal year, become a public corporation, it shall, if it so elected in that return, be deemed to have been a public corporation from the commencement of that fiscal year until the day on which it so became a public corporation”.
- (2) Clause *h* of subsection 1 of the said section 83 is amended <sup>s. 83 (1) (h),
amended</sup> by adding thereto the following subclause:

- (iia) an amount in respect of a government right or an original right in respect of a government right (within the meanings referred to in subparagraph ii.1 of paragraph *h* of subsection 1 of section 89 of the *Income Tax Act* <sup>1970-71, c. 63
(Can.)</sup> (Canada)) held by the corporation at that

time equal to the aggregate of all amounts each of which is an outlay or expenditure referred to in that subparagraph made or incurred by the corporation for the purpose of acquiring the right.

s. 83 (1) (h) (iii),
re-enacted

(3) Subclause iii of clause *h* of subsection 1 of the said section 83 is repealed and the following substituted therefor:

(iii) an amount in respect of any capital property (other than depreciable property) owned by the corporation at that time equal to,

(A) in the case of capital property referred to in clause A of subparagraph iii of paragraph *h* of subsection 1 of section 89 of the *Income Tax Act* (Canada), the amount determined for the purposes of that clause to be the actual cost of the property to the corporation, and

(B) in the case of any other capital property, its cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972*, minus any amounts in respect of the cost thereof deducted in computing the income of the corporation under Part III of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972,

R.S.O. 1970,
c. 91

s. 83 (1) (k) (ii),
amended

(4) Subclause ii of clause *k* of subsection 1 of the said section 83 is amended by striking out "and" in the fourth line.

s. 83 (1) (k),
amended

(5) Clause *k* of subsection 1 of the said section 83 is amended by adding thereto the following subclause:

(iiia) if the corporation has, before the particular time, elected, under subsection 1 of section 196 of the *Income Tax Act* (Canada) in respect of an amount referred to in paragraph *b* of subsection 1 of section 196 of that Act, to pay a tax on the full amount of its 1971 undistributed income on hand immediately before the election, the amount by which,

1970-71, c. 63
(Can.)

(A) all amounts on which, after the particular time and as a result of the election, tax has been paid by the corporation under Part IX of the *Income Tax Act* (Canada) within ninety ^{1970-71, c. 63}_(Can.) days from the day of mailing of the notice of assessment of that tax,

exceeds

(B) all amounts of that tax, and

- (6) Subclause ii of clause l of subsection 1 of the said section ^{s. 83 (1) (l) (ii)}_{amended} 83 is amended by inserting after "time," in the fifth line "other than shares of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that were disposed of on the winding-up of the subsidiary where that winding-up commenced after May 29, 1973" and by adding at the end thereof "other than subsections 15, 17 and 21 of section 26 of the *Income Tax Application Rules, 1971 (Canada)*".
- (7) Subclause vii of clause l of subsection 1 of the said ^{s. 83 (1) (l)}_{(vii), amended} section 83 is amended by inserting after "time," in the sixth line "other than shares of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that were disposed of on the winding-up of the subsidiary where that winding-up commenced after May 29, 1973" and by inserting after "1972" in the ninth line "other than subsections 15, 17 and 21 of section 26 of the *Income Tax Application Rules, 1971 (Canada)*".
- (8) The said section 83 is amended by adding thereto the ^{s. 83,}_{amended} following subsection:

(3) Where a dividend becomes payable at the same time ^{Simulta-}_{neous} on more than one class of shares of the capital stock of a ^{dividends} corporation, for the purposes of sections 77, 78 and 82, the dividend on any such class of shares shall be deemed to become payable at a different time than the dividend on the other class or classes of shares and such dividends shall be deemed to become payable in the order designated in prescribed manner by the corporation or, in the event that the corporation does not so designate any such order, in the order as determined for purposes of subsection 3 of section 89 of the *Income Tax Act* (Canada).

^{1970-71, c. 63}
(Can.)

25. Section 85 of the said Act is amended by adding thereto the ^{s. 85,}_{amended} following subsection:

Validity of
election by
member of
partnership

(3) Where a corporation that was a member of a partnership during a fiscal period thereof that ended after 1971 has, for any purpose relevant to the computation of its income from the partnership for the fiscal period made or executed an election under the provisions of any of subsections 11 and 12 of section 17, subsection 10 of section 24, subsections 1 to 4 of section 25, section 26, subsection 1 of section 31a, or clause *d* of subsection 1 of section 36, that, but for this subsection, would be a valid election, the following rules apply,

- (a) the election is not valid unless,
 - (i) it was made or executed on behalf of the corporation and each other person who was a member of the partnership during the fiscal period, and
 - (ii) the corporation had authority to act for the partnership;
- (b) unless the election is invalid by virtue of clause *a*, each other person who was a member of the partnership during the fiscal year shall be deemed to have made or executed the election; and
- (c) notwithstanding clause *a*, any election deemed by clause *b* to have been made or executed by any person shall be deemed to be a valid election made or executed by him.

s. 96 (1),
re-enacted

26.—(1) Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

Disposition
by corpora-
tion of
capital
interest

- (1) Where a corporation has disposed of all or any part of its capital interest in a trust,
 - (a) for the purposes of computing the corporation's taxable capital gain, if any, from the disposition of the interest or part thereof, as the case may be, the adjusted cost base to the corporation thereof immediately before the disposition shall be deemed to be an amount equal to the greater of the adjusted cost base to it thereof otherwise determined immediately before that time and the cost amount to it thereof immediately before that time; and
 - (b) for greater certainty, for the purposes of computing the corporation's allowable capital loss, if any, from the disposition of the interest or part thereof, as

the case may be, the adjusted cost base to the corporation thereof immediately before the disposition is the adjusted cost base to it thereof immediately before that time as determined under this Act without reference to clause *a*,

except that where the interest was an interest in an *inter vivos* trust not resident in Canada that was purchased by the corporation, clause *a* does not apply in respect of the disposition of all or any part thereof except where subsection 2 is applicable in respect of any distribution of property by the trust to the corporation in satisfaction of that interest or that part thereof, as the case may be.

(2) Clause *b* of subsection 2 of the said section 96 is repealed <sup>s. 96 (2) (b),
re-enacted</sup> and the following substituted therefor:

(*b*) the corporation shall be deemed to have acquired the property at a cost equal to the aggregate of its cost amount to the trust immediately before that time and the amount, if any, by which,

(i) the adjusted cost base to the corporation of the capital interest or part thereof, as the case may be, immediately before that time as determined for the purposes of clause *b* of subsection 1,

exceeds

(ii) the cost amount to the corporation of the capital interest or part thereof, as the case may be, immediately before that time.

27.—(1) Clause *c* of subsection 1 of section 97 of the said Act <sup>s. 97 (1) (c),
amended</sup> is amended by inserting after “interest” in the first line, the sixth line and the twenty-fourth line “or part thereof, as the case may be” and by striking out “full” in the fifth line.

(2) Subclause vi of clause *b* of subsection 2 of the said <sup>s. 97 (2) (b)
(vi),
re-enacted</sup> section 97 is repealed and the following substituted therefor:

(vi) where there were prescribed, for the purposes of this subclause, conditions relating to the number of its unit holders, dispersal of ownership of its units or public trading of its units, all holdings of and transactions in its units accorded with those conditions.

s. 101 (b),
amended

28. Clause *b* of section 101 of the said Act is amended by striking out "viii" in the seventh line and inserting in lieu thereof "ix".

s. 109 (2) (a),
(i) (A),
re-enacted

29.—(1) Sub-subclause A of subclause *i* of clause *a* of subsection 2 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 42, section 8, is repealed and the following substituted therefor:

(A) all capital gains dividends paid by the corporation in the period commencing sixty days after the commencement of the fiscal year and ending sixty days after the end of the fiscal year, and

s. 109 (5) (a),
re-enacted

(2) Clause *a* of subsection 5 of the said section 109, as enacted by the Statutes of Ontario, 1973, chapter 42, section 8, is repealed and the following substituted therefor:

(a) "capital gains dividend account" of a mutual fund corporation at any time means the amount, if any, by which,

(i) its capital gains, for all fiscal years commencing more than sixty days before that time from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

exceeds

(ii) the aggregate of,

(A) its capital losses, for all fiscal years commencing more than sixty days before that time, from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

(B) all capital gains dividends that became payable by the corporation before that time and more than sixty days after the end of the last fiscal year ending more than sixty days before that time, and

(C) all amounts each of which is an amount in respect of any fiscal year of the corporation ending more than sixty days before that time throughout which it was a mutual fund corporation, equal to 16% times its capital gains refund for that year.

30.—(1) Subclause ii of clause *a* of subsection 3 of section 110<sup>s. 110 (3) (a)
(ii),</sup> of the said Act is repealed and the following sub-^{re-enacted}stituted therefor:

(ii) the corporation's surplus at that time, determined in prescribed manner, for such of the fiscal years in the period commencing with the 1950 fiscal year and ending with the 1971 fiscal year as were fiscal years throughout which the corporation was not a non-resident-owned investment corporation; and

(2) The said section 110 is amended by adding thereto the<sup>s. 110,
amended</sup> following subsection:

(4a) Where a dividend has become payable at the same^{Simulta-}time on more than one class of shares of the capital stock^{taneous} dividends of a non-resident-owned investment corporation, for the purposes of subsection 4, the dividend on any such class of shares shall be deemed to have become payable at a different time than the dividend on the other class or classes of shares and such dividends shall be deemed to have become payable in the order designated in prescribed manner by the corporation or, in the event that the corporation does not so designate any such order, in the order determined for purposes of the *Income Tax Act* (Canada).

1970-71, c. 63
(Can.)

31. Section 111 of the said Act is amended by striking out<sup>s. 111,
amended</sup> “section 77 and section 81” in the sixth line and inserting in lieu thereof “section 77, section 81 and subsection 2 of section 82”.

32.—(1) Subsection 1 of section 167 of the said Act is amended<sup>s. 167 (1),
amended</sup> by striking out “Act” in the second line and inserting in lieu thereof “or any predecessor Act in respect of any fiscal year of a corporation that commences after the 31st day of December, 1961” and by striking out “(except prescribed property)” in the fourth and fifth lines.

s. 167 (2),
amended

(2) Subsection 2 of the said section 167 is amended by striking out "Act" in the second line and inserting in lieu thereof "or any predecessor Act in respect of a fiscal year that commences after the 31st day of December, 1961".

s. 167,
amended

(3) The said section 167 is amended by adding thereto the following subsection:

Waiver of
lien

(3) Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of the property of a corporation any lien and charge for taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act.

Commence-
ment

33.—(1) This Act, except sections 1 to 11, 13 to 19, 21 to 24, and 26 to 32, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3, subsection 1 of section 4, subsection 1 of section 5, sections 6 to 11, sections 13, 14, 17 and 19, subsection 1 of section 22, section 23, subsections 1, 2, 3, 4, 5 and 8 of section 24, sections 26 to 28, and sections 30, 31 and 32, shall be deemed to have come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years that end during or after 1972.

Idem

(3) Subsections 1, 2, 3 and 4 of section 21 shall be deemed to have come into force on the 1st day of January, 1972 and apply with respect to dispositions made on or after that date.

Idem

(4) Subsection 5 of section 21 shall be deemed to have come into force on the 1st day of January, 1972 and applies with respect to distributions of partnership property received as consideration for dispositions made after 1971.

Idem

(5) Section 1 shall be deemed to have come into force on the 9th day of May, 1972 and applies to corporations in respect of all fiscal years that end during or after 1972, but does not apply in respect of any acquisition or disposition made before the 9th day of May, 1972 of,

(a) an oil sands deposit;

(b) an oil shale deposit; or

(c) a mineral deposit in respect of which the principal mineral extracted is halite that is extracted by operating a brine well.

- (6) Subsection 3 of section 4, subsection 2 of section 5, and sections 16 and 18 shall be deemed to have come into force on the 1st day of January, 1973 and apply to corporations in respect of all fiscal years that end during or after 1973.
 - (7) Subsections 6 and 7 of section 24 shall be deemed to have come into force on the 31st day of January, 1973 and apply with respect to dispositions of capital property made after that date.
 - (8) Subsection 2 of section 4 shall be deemed to have come into force on the 19th day of February, 1973 and applies to corporations in respect of all fiscal years that commence after that date.
 - (9) Section 15 shall be deemed to have come into force on the 19th day of February, 1973 and applies with respect to any payment of an annuity where such payments are received after that date.
 - (10) Subsections 2 and 3 of section 22 shall be deemed to have come into force on the 29th day of May, 1973 and apply with respect to amalgamations that take place after that date.
 - (11) Section 29 shall be deemed to have come into force on the 27th day of July, 1973 and applies to corporations in respect of all fiscal years that commence after that date.
 - (12) Unless the context otherwise requires, the same meaning shall be given to words and expressions used in this section as they bear in *The Corporations Tax Act, 1972*,^{1972, c. 143} as amended by this Act and by *The Corporations Tax Amendment Act, 1973*.^{1973, c. 42}
- 34.** This Act may be cited as *The Corporations Tax Amendment Act, 1973* (No. 2).^{Short title}

BILL 228

An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 15th, 1973

2nd Reading

November 29th, 1973

3rd Reading

December 5th, 1973

THE HON. A. GROSSMAN
Minister of Revenue

CAZON
XB
-B 56

BILL 229

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Registry Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The provision amended requires the consent of the Minister under *The Planning Act* to an order of a judge amending a plan. The amendment clarifies that the consent is to be given by the Minister of Housing.

BILL 229**1973****An Act to amend The Registry Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 86 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 33, is amended by striking out "Minister under that Act" in the fifth and sixth lines and inserting in lieu thereof "Minister of Housing".
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Registry Amendment Act, 1973*. Short title

An Act to amend
The Registry Act

1st Reading

November 15th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(*Government Bill*)

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BILL 229

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Registry Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 229**1973****An Act to amend The Registry Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 86 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 33, is amended by striking out "Minister under that Act" in the fifth and sixth lines and inserting in lieu thereof "Minister of Housing".^{s. 86 (4), amended}
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Registry Amendment Act, 1973*.^{Short title}

An Act to amend
The Registry Act

1st Reading

November 15th, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 19th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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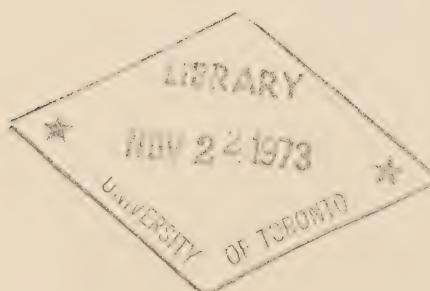
-B 56**BILL 230**

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Condominium Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

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EXPLANATORY NOTE

The provision amended requires approval by the Minister of Municipal Affairs of condominium unit descriptions in the same manner as plans of subdivision under *The Planning Act*. The amendment recognizes the transfer of this function to the Minister of Housing.

BILL 230**1973****An Act to amend The Condominium Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 24 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 7, section 1, is amended by striking out "Minister of Municipal Affairs" in the fifth and sixth lines and inserting in lieu thereof "Minister of Housing".^{s. 24 (2), amended}
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Condominium Amendment Act, 1973* (*No. 2*).^{Short title}

An Act to amend
The Condominium Act

1st Reading

November 15th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(*Government Bill*)

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BILL 230

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Condominium Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 230**1973****An Act to amend The Condominium Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 24 of *The Condominium Act*, being <sup>s. 24 (2),
amended</sup> chapter 77 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 7, section 1, is amended by striking out "Minister of Municipal Affairs" in the fifth and sixth lines and inserting in lieu thereof "Minister of Housing".
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Condominium Amendment Act, 1973* (^{Short title} No. 2).

An Act to amend
The Condominium Act

1st Reading

November 15th, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 19th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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BILL 231

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Regional Municipality
of Ottawa-Carleton Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

GENERAL. The Bill is in large part complementary to *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, wherein three new area municipalities were created by the amalgamation of eight existing municipalities.

SECTION 1. The amendments reflect the creation of the three new area municipalities.

SECTION 2. Similar in intent to section 1 of the Bill; additional matters taken into account are the change in composition of the Ottawa council from two aldermen per ward to one and the two-year term of office provided by *The Municipal Elections Act, 1972*.

BILL 231**1973**

**An Act to amend The Regional
Municipality of Ottawa-Carleton Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a*, *i* and *l* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(*a*) “area municipality” means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the Township of March, the Township of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton;

(*i*) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(*l*) “Regional Area” means the area from time to time included within the area municipalities.

2.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 4 of the said Act are repealed and the following substituted therefor:

(*a*) the head of council of each area municipality;

(*b*) the four members of the board of control and eleven aldermen of the City of Ottawa.

- s. 4 (1) (*f*),
amended
- (2) Clause *f* of subsection 1 of the said section 4 is amended by striking out "subject to subsection 8" in the first line.
- s. 4 (1) (*g-j*),
repealed
- (3) Clauses *g*, *h*, *i* and *j* of subsection 1 of the said section 4 are repealed.
- s. 4 (2),
re-enacted;
s. 4 (3),
repealed
- (4) Subsections 2 and 3 of the said section 4 are repealed and the following substituted therefor:
- Biennial
appointment
of chairman
- (2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act.
- s. 4 (5),
amended
- (5) Subsection 5 of the said section 4 is amended by striking out "1973" in the first line and inserting in lieu thereof "1975" and by striking out "two following years" in the sixth and seventh lines and inserting in lieu thereof "following year".
- s. 4 (7, 8),
repealed
- (6) Subsections 7 and 8 of the said section 4 are repealed.
- s. 4 (9),
amended
- (7) Subsection 9 of the said section 4 is amended by striking out "or appointment to such membership" in the third line.
- 3.** Section 5 of the said Act is repealed and the following substituted therefor:
- Dissolution
of police
villages
- 5.—(1) The following police villages are dissolved on the 1st day of January, 1974:
1. The Police Village of City View.
 2. The Police Village of Cumberland.
 3. The Police Village of Kenmore.
 4. The Police Village of Manotick.
 5. The Police Village of Metcalfe.
 6. The Police Village of Navan.
 7. The Police Village of North Gower.
 8. The Police Village of Orleans.
 9. The Police Village of Osgoode.
 10. The Police Village of Sarsfield.
 11. The Police Village of Vars.

SECTION 3. All existing police villages in the Regional Area are dissolved.

SECTION 4. The amendments recognize the two-year term of office provided by *The Municipal Elections Act, 1972*.

SECTION 5. The restructuring of the Regional Council by section 2 of the Bill no longer provides for a member representing two or more area municipalities.

SECTION 6. The repealed subsection is spent.

SECTION 7. The added subsections deal with the status of employees of municipalities that have been amalgamated to form the three new area municipalities.

(2) For the purposes of every Act, the dissolutions provided for in subsection 1 shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act made on the day this section comes into force pursuant to applications made under section 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

- 4.** Subsections 1, 2, 3 and 4 of section 8 of the said Act are repealed and the following substituted therefor:

(2) The first meeting of the council of each area municipality in the year 1975 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) A person entitled to be a member of the Regional Council in accordance with section 4 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality that he represents and under the seal of the area municipality certifying that he is entitled to be a member under such section.

- 5.** Subsection 4 of section 11 of the said Act is amended by striking out "or in the case of a member representing two or more municipalities, the councils of such municipalities" in the third and fourth lines.

- 6.** Subsection 4 of section 19 of the said Act is repealed.

s. 19 (4),
repealed

- 7.** Section 26 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 71, section 3, is further amended by adding thereto the following subsections:

(14) The employees of the local municipalities and the local boards thereof within the Regional Area that are

Dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

1973, c. 93

amalgamated to form an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, who were employed by such a local municipality or local board on the 1st day of July, 1973, and continue to be so employed until the 31st day of December, 1973, shall be offered employment by the council of the area municipality with which they are amalgamated and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of July, 1973.

Sick leave credits

(15) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 14 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(16) Any person who accepts employment under subsection 14 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension rights and sick leave credits

(17) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(18) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

s. 69a,
enacted

8. The said Act is amended by adding thereto the following section:

Subsidiary planning areas

69a.—(1) The Township of Goulbourn, the Township of Rideau and the Township of West Carleton are each constituted a subsidiary planning area effective the 1st day of January, 1974, and the respective councils thereof shall have all the powers of a planning board under *The Planning Act* and no such municipality shall establish a planning board.

R.S.O. 1970,
c. 349

Committees of adjustment

(2) The councils of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton shall forthwith after the 1st day of January, 1974, each pass a by-law constituting and appointing a committee of adjustment in their respective municipalities under section

SECTION 8. Each of the three new area municipalities is constituted a subsidiary planning area; each is required to appoint a committee of adjustment.

SECTIONS 9 TO 13. These sections of the Bill provide that each municipality that is amalgamated in forming the three new area municipalities is a "merged area" and the financial provisions common to other regional municipality Acts dealing with such areas are added.

41 of *The Planning Act*, but no such committee shall have any authority to grant consents referred to in section 29 of such Act unless an official plan has been approved for such entire municipality.

- 9.** Section 89 of the said Act is repealed and the following <sup>s. 89,
re-enacted</sup> substituted therefor:

89. In this Part,

Interpre-
tation

(a) "local municipality" means the Township of Fitzroy, the Township of Huntley, the Township of Marlborough, the Township of North Gower, the Village of Richmond, the Village of Stittsville or the Township of Torbolton, and includes those local municipalities, portions of which are described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, 1973, c. 93;

(b) "merged area" means a local municipality that under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, is amalgamated with another local municipality or part of a local municipality that is annexed to a local municipality to constitute an area municipality and such merged area shall be deemed to be a merged area for the purposes of *The Regional Municipal Grants Act*, R.S.O. 1970, c. 405;

(c) "rateable property" includes business and other assessment made under *The Assessment Act*. R.S.O. 1970, c. 32;

- 10.** Subsections 4, 6, 7, 8, 9, 11 and 12 of section 92 of the said <sup>s. 92(4, 6-9,
11, 12).</sup> Act, as re-enacted by the Statutes of Ontario, 1972, chapter ^{re-enacted} 126, section 17, are repealed and the following substituted therefor:

(4) The Ministry of Revenue shall revise, equalize and <sup>Equalized
assessment</sup> weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the <sup>Copy to
Regional
Corporation
and area
municipality</sup> Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Assessment
to include
valuations
on properties
for which
payments
in lieu of
taxes paid

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed

to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act*, section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry of Revenue a statement of the payments referred to in subsection 11 and the Ministry of Revenue shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

11. The said Act is further amended by adding thereto the following section:

92a.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality, both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grant Act*.

s. 93,
amended

12. Section 93 of the said Act is amended by adding thereto the following subsections:

Levy by
area municipi-
ality before
estimates
adopted

(3) Notwithstanding section 92a, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 92 to be
reduced

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 92.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(5) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

ss. 93a-93e,
enacted

13. The said Act is further amended by adding thereto the following sections:

Rates under
R.S.O. 1970,
c. 430

93a.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

93b. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

93c.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local

municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment

(4) For the purpose of this section and section 93d, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under this section.

Interpre-
tation

R.S.O. 1970,
c. 284

93d.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

1973, c. 93

93e.—(1) The Minister may, on or before the 1st day of December, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the area described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act*, 1973.

Idem

Provisional
determina-
tion

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

SECTION 14. Self-explanatory.

SECTION 15. The amendments reflect the two-year term of office provided for all school boards in *The Municipal Elections Act, 1972*.

(4) As soon as possible thereafter the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4^{Idem} shall be forwarded forthwith to the area municipalities directly concerned and to the townships of Nepean, Gloucester and Osgoode and to the Municipal Board and, unless the council of any such municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, R.S.O. 1970, c. 284, be deemed to be agreed upon by the municipalities.

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of the Townships of Gloucester, Nepean and Osgoode shall be made available to any official of the Township of Rideau.

(8) Notwithstanding the provisions of sections 91 and 93*d* and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

14. Section 95 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 18, is further amended by adding thereto the following subsection:

(5*a*) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

15.—(1) Subsection 6 of section 119 of the said Act is amended by striking out “In the year 1969 and in every third year” in the first line and inserting in lieu thereof “In the year 1974 and every second year”.

- s. 119 (7),
amended
- (2) Subsection 7 of the said section 119 is amended by striking out "three" in the second line and inserting in lieu thereof "two".
- s. 119 (8),
repealed
- (3) Subsection 8 of the said section 119 is repealed.
- s. 120,
re-enacted
- 16.** Section 120 of the said Act is repealed and the following substituted therefor:
- Carleton
school
division
established
- R.S.O. 1970,
c. 425
- 120.—(1) On and after the 1st day of January, 1974, the townships of Cumberland, Goulbourn, Gloucester, March, Nepean, Osgoode, Rideau and West Carleton are a school division under Part IV of *The Secondary Schools and Boards of Education Act*.
- Divisional
board
- (2) The Carleton Board is continued as the divisional board of education for such school division and the members holding office on the day this Act comes into force shall continue to hold office until the 31st day of December, 1974, and until their successors are elected and the new divisional board is organized.
- Elections
- (3) Elections for the Carleton Board shall be held in the year 1974 and every second year thereafter in accordance with *The Secondary Schools and Boards of Education Act*.
- Composition
of Board
- (4) Notwithstanding *The Secondary Schools and Boards of Education Act*, the Carleton Board shall be composed of twenty members elected in the following manner,
- (a) sixteen members elected by a general vote of the public school electors as follows,
- (i) seven members in the Township of Nepean,
- (ii) three members in the Township of Gloucester,
- (iii) one member in each of the townships of Osgoode, Cumberland, March, West Carleton, Rideau and Goulbourn; and
- (b) four members elected by a general vote of the separate school electors in the school division.

- ss. 121, 122,
repealed
- 17.** Sections 121 and 122 of the said Act are repealed.
- ss. 123a-123h,
enacted
- 18.** The said Act is further amended by adding thereto the following Part:

SECTION 16. The amendment is consequent upon the creation of the three new area municipalities.

SECTION 17. See note to section 16 of the Bill.

SECTION 18. See note to section 16 of the Bill.

PART VIII-A
SPECIAL PROVISIONS

123a. This Part applies only to the area municipalities established by *The Ottawa-Carleton Amalgamations and Elections Act, 1973.* Application of Part 1973, c. 93

123b. For the purposes of this Part, “local municipality” means a local municipality that is amalgamated with or a portion of which is annexed to another local municipality to constitute an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973.* Interpretation

123c.—(1) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(2) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality and the provisions of subsection 1 apply *mutatis mutandis* to any such by-law. Idem

123d. Where any agreement has been entered into by a local municipality, the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality. Agreements

123e. Section 244 of *The Municipal Act* does not apply to a local municipality in the year 1973. R.S.O. 1970, c. 284, s. 244, not to apply

123f.—(1) The Board of the Hydro-Electric Commission of the Village of Richmond as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, continue and such commission shall be deemed to be a local board of the Township of Goulbourn. Commission continued

(2) The Hydro-Electric Commission of the Township of Gloucester shall continue to provide electrical service to that portion of the Township of Gloucester annexed to the Township of Rideau. Supply of electrical service to portion of Township of Gloucester

Membership
not to act
as disqualifi-
cation

123g. Membership on the board referred to in section 123f does not act as a disqualification to be elected as a member of the council of the Township of Goulbourn.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

123h.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1973, formed part of a village or township municipality shall be considered to continue to form part of a village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

s. 124 (1),
amended

19.—(1) Subsection 1 of section 124 of the said Act is amended by striking out “and 24” in the second line and inserting in lieu thereof “24 and 46”.

s. 124 (7),
repealed

(2) Subsection 7 of the said section 124 is repealed.

s. 126,
re-enacted

20. Section 126 of the said Act is repealed and the following substituted therefor:

Expenditures
for diffusing
information

126. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the Regional Municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Commence-
ment

21.—(1) This Act, except sections 1, 2, 5 and 11 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 5 and 11 come into force on the 1st day of January, 1974.

Short title

22. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1973 (No. 2)*.

SECTION 19.—Subsection 1. The Regional Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

Subsection 2. The status of the Regional Corporation under *The Construction Safety Act, 1973*, is now provided for under that Act.

SECTION 20. The re-enacted section 126 removes the present annual limitation of \$50,000 that may be expended by the Regional Corporation in diffusing information for promotional purposes.

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

November 16th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

XB

-B 56

BILL 231

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipality
of Ottawa-Carleton Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 231**1973**

**An Act to amend The Regional
Municipality of Ottawa-Carleton Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a*, *i* and *l* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(*a*) “area municipality” means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the Township of March, the Township of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton;

(*i*) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(*l*) “Regional Area” means the area from time to time included within the area municipalities.

2.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 4 of the said Act are repealed and the following substituted therefor:

(*a*) the head of council of each area municipality;

(*b*) the four members of the board of control and eleven aldermen of the City of Ottawa.

- | | |
|---|--|
| s. 4 (1) (<i>f</i>),
amended | (2) Clause <i>f</i> of subsection 1 of the said section 4 is amended by striking out “subject to subsection 8” in the first line. |
| s. 4 (1) (<i>g-j</i>),
repealed | (3) Clauses <i>g</i> , <i>h</i> , <i>i</i> and <i>j</i> of subsection 1 of the said section 4 are repealed. |
| s. 4 (2),
re-enacted;
s. 4 (3),
repealed | (4) Subsections 2 and 3 of the said section 4 are repealed and the following substituted therefor: |
| Biennial
appointment
of chairman | (2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act. |
| s. 4 (5),
amended | (5) Subsection 5 of the said section 4 is amended by striking out “1973” in the first line and inserting in lieu thereof “1975” and by striking out “two following years” in the sixth and seventh lines and inserting in lieu thereof “following year”. |
| s. 4 (7, 8),
repealed | (6) Subsections 7 and 8 of the said section 4 are repealed. |
| s. 4 (9),
amended | (7) Subsection 9 of the said section 4 is amended by striking out “or appointment to such membership” in the third line. |
| s. 5,
re-enacted | 3. Section 5 of the said Act is repealed and the following substituted therefor: |
| Dissolution
of police
villages | <p>5.—(1) The following police villages are dissolved on the 1st day of January, 1974:</p> <ol style="list-style-type: none"> 1. The Police Village of City View. 2. The Police Village of Cumberland. 3. The Police Village of Kenmore. 4. The Police Village of Manotick. 5. The Police Village of Metcalfe. 6. The Police Village of Navan. 7. The Police Village of North Gower. 8. The Police Village of Orleans. 9. The Police Village of Osgoode. 10. The Police Village of Sarsfield. 11. The Police Village of Vars. |

(2) For the purposes of every Act, the dissolutions provided for in subsection 1 shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act made on the day this section comes into force pursuant to applications made under section 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

- 4.** Subsections 1, 2, 3 and 4 of section 8 of the said Act are repealed and the following substituted therefor:

s. 8(1),
repealed;
s. 8 (2-4),
re-enacted

(2) The first meeting of the council of each area municipality in the year 1975 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
area
councils

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

(4) A person entitled to be a member of the Regional Council in accordance with section 4 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality that he represents and under the seal of the area municipality certifying that he is entitled to be a member under such section.

Certificate
of qualifi-
cation

- 5.** Subsection 4 of section 11 of the said Act is amended by striking out "or in the case of a member representing two or more municipalities, the councils of such municipalities" in the third and fourth lines.

s. 11(4),
amended

- 6.** Subsection 4 of section 19 of the said Act is repealed.

s. 19 (4),
repealed

- 7.** Section 26 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 71, section 3, is further amended by adding thereto the following subsections:

s. 26,
amended

(14) The employees of the local municipalities and the local boards thereof within the Regional Area that are

Offer of
employment

1973, c. 93

amalgamated to form an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, who were employed by such a local municipality or local board on the 1st day of July, 1973, and continue to be so employed until the 31st day of December, 1973, shall be offered employment by the council of the area municipality with which they are amalgamated and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of July, 1973.

Sick leave credits

(15) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 14 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(16) Any person who accepts employment under subsection 14 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension rights and sick leave credits

(17) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(18) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

s. 69a, enacted

8. The said Act is amended by adding thereto the following section:

Subsidiary planning areas

69a.—(1) The Township of Goulbourn, the Township of Rideau and the Township of West Carleton are each constituted a subsidiary planning area effective the 1st day of January, 1974, and the respective councils thereof shall have all the powers of a planning board under *The Planning Act* and no such municipality shall establish a planning board.

R.S.O. 1970, c. 349

Committees of adjustment

(2) The councils of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton shall forthwith after the 1st day of January, 1974, each pass a by-law constituting and appointing a committee of adjustment in their respective municipalities under section

41 of *The Planning Act*, but no such committee shall have any authority to grant consents referred to in section 29 of such Act unless an official plan has been approved for such entire municipality.

- 9.** Section 89 of the said Act is repealed and the following<sup>s. 89,
re-enacted</sup> substituted therefor:

89. In this Part,

Interpre-
tation

(a) "local municipality" means the Township of Fitzroy, the Township of Huntley, the Township of Marlborough, the Township of North Gower, the Village of Richmond, the Village of Stittsville or the Township of Torbolton, and includes those local municipalities, portions of which are described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act, 1973*;

(b) "merged area" means a local municipality that under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, is amalgamated with another local municipality or part of a local municipality that is annexed to a local municipality to constitute an area municipality and such merged area shall be deemed to be a merged area for the purposes of *The Regional Municipal Grants Act*;

(c) "rateable property" includes business and other assessment made under *The Assessment Act*.

R.S.O. 1970,
c. 32

- 10.** Subsections 4, 6, 7, 8, 9, 11 and 12 of section 92 of the said<sup>s. 92(4, 6-9,
11, 12),
re-enacted</sup> Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, are repealed and the following substituted therefor:

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Assessment
to include
valuations
on properties
for which
payments
in lieu of
taxes paid

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed

to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act*, section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry of Revenue a statement of the payments referred to in subsection 11 and the Ministry of Revenue shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

11. The said Act is further amended by adding thereto the following section:

92a.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality, both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grant Act*.

s. 93,
amended

12. Section 93 of the said Act is amended by adding thereto the following subsections:

Levy by
area municipi-
ality before
estimates
adopted

(3) Notwithstanding section 92a, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 92 to be
reduced

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 92.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(5) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

ss. 93a-93e,
enacted

13. The said Act is further amended by adding thereto the following sections:

Rates under
R.S.O. 1970,
c. 430

93a.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 92a.

(6) Notwithstanding subsections 2, 3, 4 and 5, where in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

93b. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

93c.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local

municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment

(4) For the purpose of this section and section 93d, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under this section.

Interpre-
tation

R.S.O. 1970,
c. 284

93d.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

1973, c. 93

93e.—(1) The Minister may, on or before the 1st day of December, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the area described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act*, 1973.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

(4) As soon as possible thereafter the committees, where appropriate, shall make final determinations of the position of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4^{Idem} shall be forwarded forthwith to the area municipalities directly concerned and to the townships of Nepean, Gloucester and Osgoode and to the Municipal Board and, unless the council of any such municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, R.S.O. 1970, c. 284, be deemed to be agreed upon by the municipalities.

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of the Townships of Gloucester, Nepean and Osgoode shall be made available to any official of the Township of Rideau.

(8) Notwithstanding the provisions of sections 91 and 93*d* and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

14. Section 95 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 18, is further amended by adding thereto the following subsection:

(5a) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

15.—(1) Subsection 6 of section 119 of the said Act is amended by striking out “In the year 1969 and in every third year” in the first line and inserting in lieu thereof “In the year 1974 and every second year”.

- s. 119 (7),
amended
- (2) Subsection 7 of the said section 119 is amended by striking out "three" in the second line and inserting in lieu thereof "two".
- s. 119 (8),
repealed
- (3) Subsection 8 of the said section 119 is repealed.
- s. 120,
re-enacted
- 16.** Section 120 of the said Act is repealed and the following substituted therefor:
- Carleton
school
division
established
- R.S.O. 1970,
c. 425
- 120.—(1) On and after the 1st day of January, 1974, the townships of Cumberland, Goulbourn, Gloucester, March, Nepean, Osgoode, Rideau and West Carleton are a school division under Part IV of *The Secondary Schools and Boards of Education Act*.
- Divisional
board
- (2) The Carleton Board is continued as the divisional board of education for such school division and the members holding office on the day this Act comes into force shall continue to hold office until the 31st day of December, 1974, and until their successors are elected and the new divisional board is organized.
- Elections
- (3) Elections for the Carleton Board shall be held in the year 1974 and every second year thereafter in accordance with *The Secondary Schools and Boards of Education Act*.
- Composition
of Board
- (4) Notwithstanding *The Secondary Schools and Boards of Education Act*, the Carleton Board shall be composed of twenty members elected in the following manner,
- (a) sixteen members elected by a general vote of the public school electors as follows,
- (i) seven members in the Township of Nepean,
 - (ii) three members in the Township of Gloucester,
 - (iii) one member in each of the townships of Osgoode, Cumberland, March, West Carleton, Rideau and Goulbourn; and
- (b) four members elected by a general vote of the separate school electors in the school division.

ss. 121, 122,
repealed

- 17.** Sections 121 and 122 of the said Act are repealed.

ss. 123a-123h,
enacted

- 18.** The said Act is further amended by adding thereto the following Part:

PART VIII-A
SPECIAL PROVISIONS

123a. This Part applies only to the area municipalities established by *The Ottawa-Carleton Amalgamations and Elections Act, 1973.* Application of Part 1973, c. 93

123b. For the purposes of this Part, “local municipality” means a local municipality that is amalgamated with or a portion of which is annexed to another local municipality to constitute an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973.* Interpretation

123c.—(1) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(2) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality and the provisions of subsection 1 apply *mutatis mutandis* to any such by-law. Idem

123d. Where any agreement has been entered into by a local municipality, the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality. Agreements

123e. Section 244 of *The Municipal Act* does not apply to a local municipality in the year 1973. R.S.O. 1970, c. 284, s. 244, not to apply

123f.—(1) The Board of the Hydro-Electric Commission of the Village of Richmond as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, continue and such commission shall be deemed to be a local board of the Township of Goulbourn. Commission continued

(2) The Hydro-Electric Commission of the Township of Gloucester shall continue to provide electrical service to that portion of the Township of Gloucester annexed to the Township of Rideau. Supply of electrical service to portion of Township of Gloucester

Membership
not to act
as disqualification

123g. Membership on the board referred to in section 123f does not act as a disqualification to be elected as a member of the council of the Township of Goulbourn.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

123h.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1973, formed part of a village or township municipality shall be considered to continue to form part of a village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

s. 124 (1),
amended

19.—(1) Subsection 1 of section 124 of the said Act is amended by striking out “and 24” in the second line and inserting in lieu thereof “24 and 46”.

s. 124 (7),
repealed

(2) Subsection 7 of the said section 124 is repealed.

s. 126,
re-enacted

20. Section 126 of the said Act is repealed and the following substituted therefor:

Expenditures
for diffusing
information

126. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the Regional Municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Commencement

21.—(1) This Act, except sections 1, 2, 5 and 11 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 5 and 11 come into force on the 1st day of January, 1974.

Short title

22. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1973 (No. 2)*.

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

November 16th, 1973

2nd Reading

November 27th, 1973

3rd Reading

November 30th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA2ON
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for env'te

BILL 232

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Regional Municipality
of Sudbury Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The member of the council of the Town of Nickel Centre elected by general vote sits on the Regional Council; the amendment excepts that municipality from the requirement of electing its member to the Regional Council at the first meeting of each new council.

SECTION 2. The amendment brings the section into line with the provisions of *The Municipal Conflict of Interest Act, 1972*.

SECTION 3. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

SECTION 4. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation; the amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

BILL 232**1973**

**An Act to amend The Regional Municipality
of Sudbury Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by inserting ^{s. 8 (3), amended} after "Sudbury" in the third line "and the Town of Nickel Centre".
2. Subsection 4 of section 23 of the said Act is amended by ^{s. 23 (4), amended} adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".
3. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 3, is further amended by adding thereto the following subsection:
 (11a) Where, under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights and sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.
4. Section 29 of the said Act is amended by adding thereto the following subsections:
 (7) The Regional Corporation may by by-law provide ^{s. 29, amended} ^{Special rates} for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers

itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising of
money by
area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 31,
re-enacted

5. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 4, is repealed and the following substituted therefor:

Regional
Corporation
responsible
for sanitary
sewage

31.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 9, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 9.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 9, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

SECTION 5. Section 31 is re-enacted to define more clearly the division of responsibility for sewage collection and disposal between the Regional Corporation and the area municipalities; the provisions correspond to those found in the more recently enacted regional municipality Acts.

(5) The Regional Council shall pay to the corporation ^{Regional Corporation}_{of liability} of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owners' share of the local improvement work.

(6) If the Regional Corporation fails to make any payment as required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(7) The Regional Corporation may by by-law provide ^{Special rates} for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 9, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(8) With respect to any agreements entered into by any ^{Agreements} municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 9, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(9) The Regional Corporation shall be responsible for ^{Land drainage} undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

(10) Where the Regional Corporation undertakes a program ^{Assumption of area}_{provided for in subsection 9, the Regional Corporation} ^{land drainage systems}

may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 5 and 6 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

R.S.O. 1970,
c. 284

(11) An area municipality may,

- (a) pay the amounts chargeable to it under subsection 6 out of its general funds; or
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 35.
amended

6. Section 35 of the said Act is amended by adding thereto the following subsection:

Power to
acquire real
property for
purpose of
leasing to
doctor or
dentist

s. 48 (1),
amended

s. 48 (5) (b),
re-enacted

(1a) Nothing in subsection 1 prevents any area municipality from acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical practitioner or dental practitioner on such terms and conditions as the council of such area municipality may determine, and such property may be leased for residential, clinical or office purposes or a combination thereof.

7.—(1) Subsection 1 of section 48 of the said Act is amended by striking out “2 to 7” in the sixth line and inserting in lieu thereof “5 and 11a”.

(2) Clause b of subsection 5 of the said section 48 is repealed and the following substituted therefor:

SECTION 6. The granting of aid in respect of hospitals and other health care facilities is a function of the Regional Council; the amendment clarifies the fact that the power of area municipalities to acquire land for the purposes set out in the added subsection continues.

SECTION 7. The amendments modify the retirement provisions for members of the police force to provide that policemen retire at sixty and civilian employees at 65.

SECTION 8. The amendment corrects a reference.

SECTION 9. Self-explanatory.

SECTION 10. Self-explanatory.

SECTION 11.—Subsection 1. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

Subsection 2. The amendment will enable continued by-laws to be amended or repealed rather than simply repealed.

SECTION 12. Subsection 1 of the new section 115*a* confers upon the Regional Council the power to license various trades and occupations and removes such powers from the councils of the area municipalities. Subsection 2 provides that the power to license a trade includes the power to prohibit engaging in the trade without a licence. Subsection 3 deals with plumbing inspections and the authority of the Regional Corporation and the area municipalities in that regard.

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.
- (3) The said section 48 is amended by adding thereto the <sup>s. 48,
amended</sup> following subsection:
- (5a) Every civilian employee and assistant of the Sudbury <sup>Civilian
employee</sup> Regional Police Force shall be retired on the last day of retirement ^{retirement} the month in which he attains the age of sixty-five years.
- 8.** Subsection 9 of section 53 of the said Act is amended by <sup>s. 53 (9),
amended</sup> striking out "10" in the first line and inserting in lieu thereof "12".
- 9.** Section 73 of the said Act is amended by adding thereto the <sup>s. 73,
amended</sup> following subsection:
- (3) No area municipality shall open up, establish or <sup>Approval
required to</sup> assume for public use any highway which intersects with <sup>intersect
regional</sup> or enters upon any highway in the regional road system, ^{road} without the prior written approval of the Regional Corporation.
- 10.** Section 91 of the said Act is amended by adding thereto the <sup>s. 91,
amended</sup> following subsection:
- (5a) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.
- 11.—(1)** Subsection 1 of section 115 of the said Act is amended <sup>s. 115 (1),
amended</sup> by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".
- (2) Subsection 8 of the said section 115 is amended by <sup>s. 115 (8),
amended</sup> striking out "until" in the fourth line and inserting in lieu thereof "but may be amended or".
- 12.** The said Act is amended by adding thereto the following <sup>s. 115a,
enacted</sup> section:
- 115a.—(1) On and after the 1st day of January, 1974, <sup>Application
of</sup> paragraphs 75, 126, 127, 128, 135, 136 and 137 of sub-<sup>R.S.O. 1970,
c. 284</sup> section 1 of section 354, paragraphs 6, 11, 12, 13 and 14 of section 364, paragraph 8 of subsection 1 of section 381

R.S.O. 1970,
c. 284

and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 383 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

Idem

(2) Section 246 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Deemed
municipality
for
R.S.O. 1970,
c. 332

(3) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality.

Form 2, par. 4,
repealed

13. Paragraph 4 of Form 2 of the said Act is repealed.

Commencement

14.—(1) This Act, except sections 3, 5, 6, 7, 8 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 5, 6, 7, 8 and 11 shall be deemed to have come into force on the 1st day of January, 1973.

Short title

15. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1973*.

SECTION 13. The amendment removes part of the declaration of qualification now covered by *The Municipal Conflict of Interest Act, 1972*.

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

November 16th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(*Government Bill*)

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BILL 232

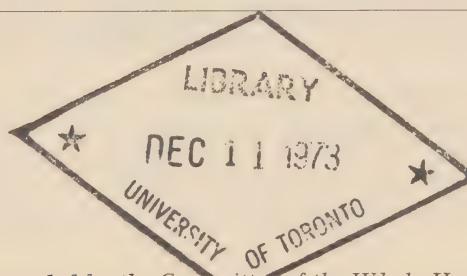
Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipality
of Sudbury Act, 1972

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The member of the council of the Town of Nickel Centre elected by general vote sits on the Regional Council; the amendment excepts that municipality from the requirement of electing its member to the Regional Council at the first meeting of each new council.

SECTION 2. The amendment brings the section into line with the provisions of *The Municipal Conflict of Interest Act, 1972*.

SECTION 3. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

SECTION 4. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation; the amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

BILL 232

1973

**An Act to amend The Regional Municipality
of Sudbury Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by inserting after "Sudbury" in the third line "and the Town of Nickel Centre".
2. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".
3. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 3, is further amended by adding thereto the following subsection:
 - (11a) Where, under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights and sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.
4. Section 29 of the said Act is amended by adding thereto the following subsections:
 - (7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers

itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising of
money by
area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality, subject to the approval of the Regional Corporation, may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 31,
re-enacted

5. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 4, is repealed and the following substituted therefor:

Regional
Corporation
responsible
for sanitary
sewage

31.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 9, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 9.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 9, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

SECTION 5. Section 31 is re-enacted to define more clearly the division of responsibility for sewage collection and disposal between the Regional Corporation and the area municipalities; the provisions correspond to those found in the more recently enacted regional municipality Acts.

(5) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

(6) If the Regional Corporation fails to make any payment as required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 9, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(8) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 9, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(9) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

(10) Where the Regional Corporation undertakes a program provided for in subsection 9, the Regional Corporation

Assumption
of area
municipality
land drainage
systems

may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 5 and 6 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

(11) An area municipality, subject to the approval of the Regional Corporation, may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 35,
amended

6. Section 35 of the said Act is amended by adding thereto the following subsection:

Power to
acquire real
property for
purpose of
leasing to
doctor or
dentist

(1a) Nothing in subsection 1 prevents any area municipality from acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical practitioner or dental practitioner on such terms and conditions as the council of such area municipality may determine, and such property may be leased for residential, clinical or office purposes or a combination thereof.

s. 48 (1),
amended

7.—(1) Subsection 1 of section 48 of the said Act is amended by striking out "2 to 7" in the sixth line and inserting in lieu thereof "5 and 11a".

s. 48 (5) (b),
re-enacted

(2) Clause b of subsection 5 of the said section 48 is repealed and the following substituted therefor:

SECTION 6. The granting of aid in respect of hospitals and other health care facilities is a function of the Regional Council; the amendment clarifies the fact that the power of area municipalities to acquire land for the purposes set out in the added subsection continues.

SECTION 7. The amendments modify the retirement provisions for members of the police force to provide that policemen retire at sixty and civilian employees at 65.

SECTION 8. The amendment corrects a reference.

SECTION 9. Self-explanatory.

SECTION 10. Self-explanatory.

SECTION 11.—Subsection 1. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

Subsection 2. The amendment will enable continued by-laws to be amended or repealed rather than simply repealed.

SECTION 12. Subsection 1 of the new section 115a confers upon the Regional Council the power to license various trades and occupations and removes such powers from the councils of the area municipalities. Subsection 2 provides that the power to license a trade includes the power to prohibit engaging in the trade without a licence. Subsection 3 deals with plumbing inspections and the authority of the Regional Corporation and the area municipalities in that regard. Subsection 4 empowers the Regional Corporation to license and regulate vendors of fluid milk products and removes such powers from the area municipalities.

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.

(3) The said section 48 is amended by adding thereto the <sup>s. 48,
amended</sup> following subsection:

(5a) Every civilian employee and assistant of the Sudbury <sup>Civilian
employee</sup> Regional Police Force shall be retired on the last day of ^{retirement} the month in which he attains the age of sixty-five years.

8. Subsection 9 of section 53 of the said Act is amended by <sup>s. 53 (9),
amended</sup> striking out "10" in the first line and inserting in lieu thereof "12".

9. Section 73 of the said Act is amended by adding thereto the <sup>s. 73,
amended</sup> following subsection:

(3) No area municipality shall open up, establish or <sup>Approval
required to</sup> assume for public use any highway which intersects with ^{intersect} regional or enters upon any highway in the regional road system, ^{road} without the prior written approval of the Regional Corporation.

10. Section 91 of the said Act is amended by adding thereto the <sup>s. 91,
amended</sup> following subsection:

(5a) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

11.—(1) Subsection 1 of section 115 of the said Act is amended <sup>s. 115 (1),
amended</sup> by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

(2) Subsection 8 of the said section 115 is amended by <sup>s. 115 (8),
amended</sup> striking out "until" in the fourth line and inserting in lieu thereof "but may be amended or".

12. The said Act is amended by adding thereto the following <sup>s. 115a,
enacted</sup> section:

115a.—(1) On and after the 1st day of January, 1974, <sup>Application
of
c. 284</sup> paragraphs 75, 126, 127, 128, 135, 136 and 137 of sub-R.S.O. 1970, section 1 of section 354, paragraphs 6, 11, 12, 13 and 14 of section 364, paragraph 8 of subsection 1 of section 381

R.S.O. 1970,
c. 284

and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 383 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

Idem

(2) Section 246 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Deemed
municipality
for
R.S.O. 1970,
c. 332

(3) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality.

Deemed
municipality
for
R.S.O. 1970,
c. 273, s. 19

(4) For the purposes of section 19 of *The Milk Act*, the Regional Corporation shall be deemed to be a municipality and no area municipality shall exercise any powers under the said section.

s. 132 a,
enacted

13. The said Act is further amended by adding thereto the following section:

Acquiring
land for
parks, etc.

132a.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970,
c. 384

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of
R.S.O. 1970,
c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality under
R.S.O. 1970,
cc. 337, 73

Park lands
owned by
conservation
authority

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

SECTION 13. The section added empowers the Regional Council to acquire land for public park, etc., purposes.

SECTION 14. The amendment removes part of the declaration of qualification now covered by *The Municipal Conflict of Interest Act, 1972*.

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic R.S.O. 1970,
c. 202 on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

(6) The Regional Council may agree to pay annually Payment
in lieu
of taxes to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

14. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2, par. 4,
repealed

15.—(1) This Act, except sections 3, 5, 6, 7, 8 and 11, comes into Commencement force on the day it receives Royal Assent.

(2) Sections 3, 5, 6, 7, 8 and 11 shall be deemed to have Idem come into force on the 1st day of January, 1973.

16. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1973*. Short title

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

November 16th, 1973

2nd Reading

November 29th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Reprinted as amended by the
Committee of the Whole House)

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BILL 232

Government
Publication

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipality
of Sudbury Act, 1972

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 232

1973

**An Act to amend The Regional Municipality
of Sudbury Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by inserting after "Sudbury" in the third line "and the Town of Nickel Centre".
2. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".
3. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 3, is further amended by adding thereto the following subsection:
 (11a) Where, under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights and sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.
4. Section 29 of the said Act is amended by adding thereto the following subsections:
 (7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers

itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising of
money by
area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality, subject to the approval of the Regional Corporation, may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 31.
re-enacted

5. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 4, is repealed and the following substituted therefor:

Regional
Corporation
responsible
for sanitary
sewage

31.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 9, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 9.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 9, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

(5) The Regional Council shall pay to the corporation ^{Regional Corporation}_{liability} of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* R.S.O. 1970, c. 255 is payable as the owners' share of the local improvement work.

(6) If the Regional Corporation fails to make any payment as required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(7) The Regional Corporation may by by-law provide ^{Special rates} for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 9, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(8) With respect to any agreements entered into by any ^{Agreements} municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 9, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(9) The Regional Corporation shall be responsible for ^{Land drainage} undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

(10) Where the Regional Corporation undertakes a program ^{Assumption of area municipality land drainage systems} provided for in subsection 9, the Regional Corporation

may assume all or any portion of the land drainage system, including storm sewers, of an area municipality without compensation, and the provisions of subsections 5 and 6 shall apply thereto, *mutatis mutandis*.

Raising
of money
by area
municipality

R.S.O. 1970,
c. 284

(11) An area municipality, subject to the approval of the Regional Corporation, may,

- (a) pay the amounts chargeable to it under subsection 6 out of its general funds; or
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 35,
amended

6. Section 35 of the said Act is amended by adding thereto the following subsection:

Power to
acquire real
property for
purpose of
leasing to
doctor or
dentist

(1a) Nothing in subsection 1 prevents any area municipality from acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical practitioner or dental practitioner on such terms and conditions as the council of such area municipality may determine, and such property may be leased for residential, clinical or office purposes or a combination thereof.

s. 48 (1),
amended

7.—(1) Subsection 1 of section 48 of the said Act is amended by striking out “2 to 7” in the sixth line and inserting in lieu thereof “5 and 11a”.

s. 48 (5) (b),
re-enacted

(2) Clause b of subsection 5 of the said section 48 is repealed and the following substituted therefor:

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.
- (3) The said section 48 is amended by adding thereto the ^{s. 48,} ~~amended~~ following subsection:
- (5a) Every civilian employee and assistant of the Sudbury ^{Civilian employee} Regional Police Force shall be retired on the last day of ~~retirement~~ the month in which he attains the age of sixty-five years.
- 8.** Subsection 9 of section 53 of the said Act is amended by ^{s. 53 (9),} ~~amended~~ striking out "10" in the first line and inserting in lieu thereof "12".
- 9.** Section 73 of the said Act is amended by adding thereto the ^{s. 73,} ~~amended~~ following subsection:
- (3) No area municipality shall open up, establish or ^{Approval required to intersect regional road} assume for public use any highway which intersects with ~~intersects with~~ or enters upon any highway in the regional road system, ~~road~~ without the prior written approval of the Regional Corporation.
- 10.** Section 91 of the said Act is amended by adding thereto the ^{s. 91.} ~~amended~~ following subsection:
- (5a) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.
- 11.—(1)** Subsection 1 of section 115 of the said Act is amended ^{s. 115 (1),} ~~amended~~ by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".
- (2) Subsection 8 of the said section 115 is amended by ^{s. 115 (8),} ~~amended~~ striking out "until" in the fourth line and inserting in lieu thereof "but may be amended or".
- 12.** The said Act is amended by adding thereto the following ^{s. 115a,} ~~enacted~~ section:

115a.—(1) On and after the 1st day of January, 1974, ^{Application of R.S.O. 1970, c. 284} paragraphs 75, 126, 127, 128, 135, 136 and 137 of sub-^{c. 284} section 1 of section 354, paragraphs 6, 11, 12, 13 and 14 of section 364, paragraph 8 of subsection 1 of section 381

R.S.O. 1970,
c. 284

and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 383 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

Idem

(2) Section 246 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Deemed
municipality
for
R.S.O. 1970,
c. 332

(3) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality.

Deemed
municipality
for
R.S.O. 1970,
c. 273, s. 19

(4) For the purposes of section 19 of *The Milk Act*, the Regional Corporation shall be deemed to be a municipality and no area municipality shall exercise any powers under the said section.

s. 132 a,
enacted

13. The said Act is further amended by adding thereto the following section:

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

132a.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of
R.S.O. 1970,
c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality under
R.S.O. 1970,
cc. 337, 73

Park lands
owned by
conservation
authority

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic R.S.O. 1970,
c. 202 on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

(6) The Regional Council may agree to pay annually Payment
in lieu
of taxes to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

14. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2, par. 4,
repealed

15.—(1) This Act, except sections 3, 5, 6, 7, 8 and 11, comes into Commencement force on the day it receives Royal Assent.

(2) Sections 3, 5, 6, 7, 8 and 11 shall be deemed to have Idem come into force on the 1st day of January, 1973.

16. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1973*. Short title

BILL 232

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

November 16th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 30th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

CAZON
XB
-B 56

BILL 233

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Loan and Trust Corporations Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
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EXPLANATORY NOTES

SECTION 1. Corporations owned or controlled by a loan or trust corporation and that finance construction are exempt from the definition of loan corporation.

SECTION 2. Complementary to sections 6 and 7 of this Bill.

SECTION 3. The minimum number of shareholders of loan and trust corporations is reduced from twenty-five to five, to acknowledge that a number of such companies are wholly owned subsidiaries.

SECTION 4.—Subsection 1. Complementary to section 3 of this Bill.

Subsection 2. The amendment provides that no par value shares are to be issued for a stated consideration.

SECTION 5. The incorporation of an Ontario corporation to be designated as a mortgage investment company is provided for in order to have the advantage of pending Federal legislation.

BILL 233

1973

**An Act to amend The Loan and
Trust Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1, is further amended by inserting after "Act" in the amendment of 1972 "a company referred to in clause *f* of section 152 or clause *g* of section 155 and that is controlled by a loan corporation or a trust corporation in accordance with the regulations".
2. Subsection 3 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 2, is amended by striking out "65, except sections 24, 26" and inserting in lieu thereof "65b, except sections" in the first line.
3. Subsection 1 of section 8 of the said Act is amended by striking out "twenty-five" in the fourth line and inserting in lieu thereof "five".
- 4.—(1) Subsection 3 of section 9 of the said Act is amended by striking out "twenty-five" in the second and third lines and inserting in lieu thereof "five".
- (2) The said section 9 is amended by adding thereto the following subsection:
 - (4) Shares without par value shall not be allotted or issued except for such consideration as the by-laws provide. Consideration for no par value shares
5. The said Act is amended by adding thereto the following sections:
 - 17a.—(1) A loan corporation incorporated and registered under this Act may apply by petition to the Lieutenant Governor in Council for an order designating it as a mortgage investment company

1970-71, c. 63
(Can.)

investment company for the purpose of carrying on business as a mortgage investment corporation within the meaning of the *Income Tax Act* (Canada) and such order may be made subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Not to take deposits

(2) Notwithstanding section 78, a loan corporation that is designated as a mortgage investment company shall not borrow money on deposit.

Business confined

(3) A loan corporation that is designated as a mortgage investment company shall carry on its undertaking in Ontario and the other provinces and territories of Canada only.

By-laws must conform

(4) A loan corporation that is designated as a mortgage investment company shall not commence business as a mortgage investment company until its by-laws have been amended to conform to the terms and conditions prescribed, the provisions of sections 17b to 17f, and the regulations and such by-laws have been filed with and approved by the Registrar.

Amendment of registration

(5) Upon the making of the order under subsection 1 and the amendment and approval of the by-laws under subsection 3, the Registrar shall amend the registration of the loan corporation kept under clause *a* of subsection 1 of section 120 and subsection 1 of section 135.

Investments

17b.—(1) Notwithstanding sections 150 and 151 and subsection 2, a loan corporation designated as a mortgage investment company shall have and maintain at least 50 per cent of the book value of its assets in one or more of the following forms,

1973, c.

(a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and

(b) cash on hand or on deposit in a bank or other depository approved by the Registrar.

Idem

(2) The total of,

1973, c.

(a) the book value of the investments of a mortgage investment company in shares of the capital stock of companies at least 85 per cent of whose assets are in the form of residential property as defined in the *Residential Mortgage Financing Act* (Canada); and

- (b) the book value of the investments of a mortgage investment company in real estate or leaseholds before deducting the amount of any charges or liens thereon but excluding real estate or leaseholds acquired by the company by foreclosure or otherwise after default made on a mortgage, hypothec or agreement of sale in respect thereof,

shall not exceed 25 per cent of the book value of its total assets.

17c.—(1) Notwithstanding sections 150 and 151, a loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if,

1970-71, c. 63
(Can.)

- (a) a lease of the real estate or leasehold is made to, or guaranteed by,

- (i) the government, or an agency of the government, of the province in which the real estate or leasehold is situated, a municipality in that province or an agency of such municipality, or
- (ii) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *e* or *m* of subsection 1 of section 150; and

- (b) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the company in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) A loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or

1970-71, c. 63
(Can.)

any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

Application
of s. 150 (1)
(n, o)

(3) Clauses *n* and *o* of subsection 1 of section 150 do not apply in respect of a corporation to which this section applies.

Other
investments
“basket
clause”

17d.—(1) A loan corporation designated as a mortgage investment company may, subject to this section, make investments and loans not authorized by sections 17b, 17c and 150, including investments in real estate or leaseholds.

Production
of income

1970-71, c. 63
(Can.)

(2) Investments in real estate or leaseholds in Canada made under subsection 1 shall be made only for the production of income, and may be made either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada); and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds.

Saving

(3) This section shall be deemed not to,

(a) enlarge the authority conferred by section 150 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds; or

(b) affect the operation of section 157 with reference to the maximum proportion of common shares and total shares of any corporation that may be purchased.

Limit

(4) Section 151 does not apply in respect of a company to which subsection 1 applies but the total value of the investments made under subsection 1 and held by the company, excluding those that are or at any time since acquisi-

tion have been authorized as investments apart from that subsection, shall not exceed 7 per cent of the book value of the total assets of the company.

17e.—(1) Notwithstanding section 83, the aggregate of the sums of money borrowed by a loan corporation designated as a mortgage investment company and outstanding shall not at any time exceed five times the excess of the book value of the assets of the company over its liabilities, but if at any particular time the book value of the assets of the company in the form of,

- (a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and
- (b) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

are less than two-thirds of the book value of the assets of the company, the aggregate of the sums of money borrowed by the company and outstanding shall not at that time exceed three times the excess of the book value of the assets of the company over its liabilities.

(2) For the purpose of subsection 1, the principal amount of any charges or liens on the real estate or leaseholds remaining unpaid shall be included in the computation of the sums of money borrowed by the corporation.

17f.—(1) A loan corporation designated as a mortgage investment company shall so manage its affairs that the aggregate of,

- (a) all repayments of principal on mortgages or hypothecs held by it and reasonably expected to be received within the year;
- (b) amounts maturing on its other investments within the year;
- (c) such amount of credit from chartered banks in Canada as is acquired in accordance with conditions imposed by the Superintendent of Insurance; and
- (d) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

shall at all times be equal to or in excess of the aggregate of the sum of all mortgage commitments made by it and falling due within the year and the amount of all debt instruments issued by it and maturing within the year.

Meaning of
“within the
year”

Shares are
eligible
investment
R.S.O. 1970,
c. 224

(2) In this section, the expression “within the year” means the twelve-month period following the month in which the calculation is made.

17g. Notwithstanding any provision of *The Insurance Act* or this Act, the shares, debentures and other evidences of indebtedness of a mortgage investment company are an eligible investment for the funds of insurance companies, trust companies and other loan companies governed respectively by those Acts, subject to the provisions of the Acts governing those companies respecting,

- (a) the proportion of the funds of those companies that may be invested at any one time in the common shares of corporations; and
- (b) the proportion of the shares of any corporation that may be purchased by those companies.

Regulations

17h. The Lieutenant Governor in Council may make regulations with respect to loan corporations designated as mortgage investment companies,

- (a) prescribing limitations on their dealings with companies providing investment advice or management services;
- (b) prescribing limitations and restrictions with respect to their purchase or acquisition of assets from or sale of assets to their directors, officers or shareholders;
- (c) providing for their redesignation as loan corporations.

s. 24,
re-enacted

6. Section 24 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

24. In this section and in sections 24b to 24g,

- (a) “Commission” means the Ontario Securities Commission;
- (b) “company” means a body corporate, including a corporation to which this Act applies;
- (c) “form of proxy” means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;

SECTION 6. The provisions in *The Corporations Act* with respect to proxy solicitations, now adopted by reference, are re-enacted in the Act to create a self-contained Act for convenience of use.

(d) "information circular" means the circular referred to in subsection 1 of section 24c;

(e) "proxy" means a completed and executed form of proxy by means of which a shareholder has appointed a person as his nominee to attend and act for him and on his behalf at a meeting of shareholders;

(f) "solicit" and "solicitation" include,

(i) any request for a proxy whether or not accompanied by or included in a form of proxy,

(ii) any request to execute or not to execute a form of proxy or to revoke a proxy,

(iii) the sending or delivery of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and

(iv) the sending or delivery of a form of proxy to a shareholder pursuant to section 24b,

but do not include,

(v) the sending or delivery of a form of proxy to a shareholder in response to an unsolicited request made by him or on his behalf, or

(vi) the performance by any person of ministerial acts or professional services on behalf of a person soliciting a proxy.

24a.—(1) Every shareholder of a corporation, including a Proxies shareholder that is a company, entitled to vote at a meeting of shareholders may by means of a proxy appoint a person, who need not be a shareholder, as his nominee to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

(2) A proxy shall be executed by the shareholder or his ^{Execution and} attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and ceases to be valid one year from its date.

(3) In addition to the requirements, where applicable, of ^{Contents} section 24e, a proxy shall contain the date thereof and the

appointment and name of the nominee and may contain a revocation of a former proxy and restrictions, limitations or instructions as to the manner in which the shares in respect of which the proxy is given are to be voted or that may be necessary to comply with the laws of any jurisdiction in which the shares of the provincial corporation are listed on a stock exchange or a restriction or limitation as to the number of shares in respect of which the proxy is given.

Revocation

(4) In addition to revocation in any other manner permitted by law, a proxy may be revoked by instrument in writing executed by the shareholder or by his attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and deposited either at the head office of the corporation at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used or with the chairman of such meeting on the day of the meeting, or adjournment thereof, and upon either of such deposits the proxy is revoked.

**Time limit
for deposit**

(5) The directors may by resolution fix a time not exceeding forty-eight hours, excluding Saturdays and holidays, preceding any meeting or adjourned meeting of shareholders before which time proxies to be used at that meeting must be deposited with the provincial corporation or an agent thereof, and any period of time so fixed shall be specified in the notice calling the meeting or in the information circular relating thereto.

**Mandatory
solicitation
of proxies**

24b.—(1) Subject to section 24d, the management of a corporation shall, concurrently with or prior to giving notice of a meeting of shareholders of the corporation, send by prepaid mail to each shareholder who is entitled to vote at such meeting at his last address as shown on the books of the corporation a form of proxy for use at such meeting that complies with section 24e.

Offence

(2) If the management of a provincial corporation fails to comply with subsection 1, the corporation is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and every director or officer of the corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

**Information
circular**

24c.—(1) Subject to subsection 2 and section 24d, no person shall solicit proxies unless,

- (a) in the case of a solicitation by or on behalf of the management of a corporation, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each shareholder of the corporation whose proxy is solicited at his last address as shown on the books of the corporation; or
- (b) in the case of any other solicitation, the person making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each shareholder of the corporation whose proxy is solicited.

(2) Subsection 1 does not apply to,

- (a) any solicitation, otherwise than by or on behalf of the management of a corporation, where the total number of shareholders whose proxies are solicited is not more than fifteen, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder;

Where
subs. 1
does not
apply

- (b) any solicitation by a person made under section 80 of *The Securities Act*; and
- (c) any solicitation by a person in respect of shares of which he is the beneficial owner.

R.S.O. 1970,
c. 426

(3) A person who fails to comply with subsection 1 is guilty ^{Offence} of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a corporation, every director or officer of such corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(4) A person who effects a solicitation that is subject to ^{Idem} this section by means of a form of proxy, information circular or other communication that contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a like fine.

(5) No person is guilty of an offence under subsection 4 in ^{Saving} respect of any untrue statement of a material fact or omission

to state a material fact in a form of proxy or information circular, if the untruth of such statement or the fact of such omission was not known to the person who effected the solicitation and in the exercise of reasonable diligence could not have been known to such person.

Where
s. 24b and
s. 24c(1),
do not apply

24d.—(1) Section 24b and subsection 1 of section 24c do not apply to a corporation that has fewer than fifteen shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder.

Exemption
orders

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 24b or of subsection 1 of section 24c.

Hearing of
Commission
R.S.O. 1970,
c. 426

(3) Section 5 of *The Securities Act* applies, so far as possible, to hearings of the Commission under this section.

Appeal
from
Commission

(4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Supreme Court, and subsections 2 to 6 of section 29 of *The Securities Act* apply to the appeal.

Special form
of proxy

24e. Where section 24b or 24c is applicable to a solicitation of proxies,

(a) the form of proxy sent to a shareholder by a person soliciting proxies,

(i) shall indicate in bold-face type whether or not the proxy is solicited by or on behalf of the management of the corporation; and

(ii) shall provide a specifically designated blank space for dating the form of proxy;

(b) the form of proxy shall provide means whereby the person whose proxy is solicited is afforded an opportunity to specify that the shares registered in his name shall be voted by the nominee in favour of or against, in accordance with such person's choice, each matter or group of related matters identified therein or in the information circular as intended to be acted upon, other than the election of directors and the appointment of auditors, pro-

vided that a proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by such means if the form of proxy or the information circular states in bold-face type how it is intended to vote the shares represented by the proxy in each such case;

(c) a proxy may confer discretionary authority with respect to,

(i) amendments or variations to matters identified in the notice of meeting, or

(ii) other matters which may properly come before the meeting,

provided that,

(iii) the person by whom or on whose behalf the solicitation is made is not aware a reasonable time prior to the time the solicitation is made that any such amendments, variations or other matters are to be presented for action at the meeting, and

(iv) a specific statement is made in the information circular or in the form of proxy that the proxy is conferring such discretionary authority;

(d) no proxy shall confer authority,

(i) to vote for the election of any person as a director of the corporation unless a *bona fide* proposed nominee for such election is named in the information circular, or

(ii) to vote at any meeting other than the meeting specified in the notice of meeting or any adjournment thereof;

(e) the information circular or form of proxy shall state that the shares represented by the proxy will be voted and that, where the person whose proxy is solicited specifies a choice with respect to any matter to be acted upon under clause *b*, the shares shall, subject to section 24*f*, be voted in accordance with the specifications so made;

(f) the information circular or form of proxy shall indicate in bold-face type that the shareholder

has the right to appoint a person to attend and act for him and on his behalf at the meeting other than the person, if any, designated in the form of proxy, and shall contain instructions as to the manner in which the shareholder may exercise such right; and

- (g) if the form of proxy contains a designation of a named person as nominee, means shall be provided whereby the shareholder may designate in a form of proxy some other person as his nominee for the purpose of subsection 1 of section 24a.

Where vote
by ballot not
required

24f. If the aggregate number of shares represented at a meeting by proxies required to be voted for or against a particular matter or group of matters carries, to the knowledge of the chairman of the meeting, less than 5 per cent of the voting rights attached to the shares entitled to vote and represented at the meeting, the chairman of the meeting has the right not to conduct a vote by way of ballot on any such matter or group of matters unless a poll is demanded at the meeting.

Regulations
re contents
of informa-
tion circular

24g. The Lieutenant Governor in Council may make such regulations respecting the form and content of an information circular as he considers necessary or appropriate in the public interest.

s. 26,
re-enacted

7. Section 26 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

R.S.O. 1970,
c. 89

26.—(1) In this section and in sections 26a to 26f,

(a) “affiliate” means an affiliated company within the meaning of subsection 3 of section 107 of *The Corporations Act*;

(b) “associate”, where used to indicate a relationship with any person, means,

(i) any company of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,

(ii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity, or

SECTION 7. The provisions in *The Corporations Act* with respect to insider trading reports, now adopted by reference, are re-enacted in the Act to create a self-contained Act for convenience of use.

- (iii) any relative or spouse of such person or any relative of such spouse who in any such case, has the same home as such person;
- (c) “capital security” means any share of any class of shares of a company or any bond, debenture, note or other obligation of a company, whether secured or unsecured;
- (d) “Commission” means the Ontario Securities Commission;
- (e) “company” means a body corporate, including a corporation to which this Act applies;
- (f) “equity share” means any share of any class of shares of a company carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) “insider” or “insider of a company” means,
 - (i) any director or senior officer of a company that has fifteen or more shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder,
 - (ii) any person who beneficially owns, directly or indirectly, equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding, provided that in computing the percentage of voting rights attached to equity shares owned by an underwriter there shall be excluded any equity shares that have been acquired by him as underwriter in the course of distribution to the public of such shares, but such exclusion ceases to have effect on completion or cessation of the distribution to the public by him, or
 - (iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding;
- (h) “senior officer” means,

(i) the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for the company similar to those normally performed by an individual occupying any such office, and

(ii) each of the five highest paid employees of a company, including any individual referred to in subclause i;

R.S.O. 1970,
c. 426

(i) "underwriter" has the same meaning as in *The Securities Act*.

Idem

(2) For the purposes of this section and sections 26a to 26f,

(a) every director or senior officer of a company that is itself an insider of another company shall be deemed to be an insider of such other company;

(b) an individual shall be deemed to own beneficially capital securities beneficially owned by a company controlled by him or by an affiliate of such company;

(c) a company shall be deemed to own beneficially capital securities beneficially owned by its affiliates; and

(d) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a capital security shall be deemed a change in the beneficial ownership of the capital security to which such transferable option relates.

Report

26a.—(1) A person who becomes an insider of a corporation shall, within ten days after the end of the month in which he becomes an insider, file with the Commission a report, as of the day on which he became an insider, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

Idem

(2) If a person who is an insider of a corporation, but has no direct or indirect beneficial ownership of or control or direction over capital securities of the corporation, acquires direct or indirect beneficial ownership of or control or direction over any such securities, he shall, within ten days after the end of the month in which he acquired such direct or indirect beneficial ownership or such control

or direction, file with the Commission a report, as of the date of such acquisition, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

(3) A person who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over capital securities of the corporation changes from that shown or required to be shown in such report or in the last report filed by him under this subsection shall, within ten days following the end of the month in which such change takes place, provided that he was an insider of the corporation at any time during such month, file with the Commission a report of his direct or indirect beneficial ownership of or his control or direction over capital securities of the corporation at the end of such month and the change or changes therein that occurred during the month, and giving such details of each transaction as may be required by the regulations made under section 26f.

26b.—(1) All reports filed with the Commission under section 26a or any predecessor thereof shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

(2) The Commission shall summarize in or as part of a monthly periodical for distribution to the public on payment of a reasonable fee therefor the information contained in the reports so filed.

26c.—(1) Every person who is required to file a report under section 26a or any predecessor thereof and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(2) Every person who files a report under section 26a^{Idem} or any predecessor thereof that is false or misleading by reason of the misstatement or omission of a material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a like fine.

Saving

(3) No person is guilty of an offence under subsection 2 if he did not know and in the exercise of reasonable diligence could not have known that the report was false or misleading by reason of the misstatement or omission of a material fact.

Consent
to prosecute

(4) No prosecution shall be brought under subsection 1 or 2 without the consent of the Commission.

Liability
of insiders

26d.—(1) Every insider of a corporation or associate or affiliate of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of such transaction, unless such information was known or ought reasonably to have been known to such person at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction.

Limitation
period

(2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.

Order to
commence
action

26e.—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 26d or is at the time of the application an owner of capital securities of the corporation, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied that,

(a) such person has reasonable grounds for believing that the corporation has a cause of action under section 26d; and

(b) either,

(i) the corporation has refused or failed to commence an action under section 26d within sixty days after receipt of a written request from such person so to do, or

(ii) the corporation has failed to prosecute diligently an action commenced by it under section 26d,

SECTION 8. The amount of qualifying shares required to be held by a director is amended to increase the amount to be paid up from \$500 to \$1,000 and to provide an alternative of shares having a value of at least \$2,500.

SECTION 9. The amendment authorizes no par value shares for a corporation that has been registered for over five years.

make an order, upon such terms as to security for costs and otherwise as to the judge seems fit, requiring the Commission to commence or continue an action in the name of and on behalf of the corporation to enforce the liability created by section 26d.

(2) The corporation and the Commission shall be given notice of any application under subsection 1 and shall have the right to appear and be heard thereon.

(3) Every order made under subsection 1 shall provide that the corporation shall co-operate fully with the Commission in the institution and prosecution of such action and shall make available to the Commission all books, records, documents and other material or information known to the corporation or reasonably ascertainable by the corporation relevant to such action.

(4) An appeal lies to the Court of Appeal from an order made under subsection 1.

26f. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form and content of the reports required to be filed under section 26a;
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of sections 26 to 26e.

8. Subsection 2 of section 35 of the said Act, as amended by s. 35 (2),
the Statutes of Ontario, 1971, chapter 98, section 4, is
repealed and the following substituted therefor:

(2) No person is qualified to be a director unless he is of the full age of eighteen years and he is a shareholder holding, in his own right, shares of the corporation in respect of which, either,

(a) at least \$1,000 has been paid in; or

(b) at the time of purchase had a market value of at least \$2,500,

and he is not in arrears in respect of any call thereon.

9. Subsections 1, 2 and 3 of section 65 of the said Act are s. 65 (1-3),
repealed and the following substituted therefor:

Increase or
decrease of
capital

(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital and, where the corporation has been registered under this Act for a continuous period of five years, for the increase of its capital by authorizing no par value shares.

Contents of
by-law

(2) The by-laws shall state the number, class and par value of shares with par value and for shares without par value the stated amount as consideration for which such shares might be issued, by which the capital is so increased or decreased.

Conversion

(3) The directors may by by-law provide upon the terms therein stated for the conversion of partly paid-up shares into paid-up shares, for subdividing shares, altering the par value of shares, and subject to section 65a for the conversion of its shares.

ss. 65a, 65b,
enacted

10. The said Act is further amended by adding thereto the following sections:

Conversion of
par shares to
par shares

65a.—(1) The by-laws of a corporation may provide for the conversion of shares with par value into other shares with par value provided that the aggregate par value of the shares being converted is equal to the aggregate par value of the shares into which they are converted.

Par shares to
no par shares

(2) Where, in accordance with the by-laws, shares with par value are converted into shares without par value the issued capital of the corporation attributable to the shares resulting from the conversion shall be equal to the aggregate par value of the shares converted.

No par shares
to par shares

(3) Where the by-laws provide for the conversion of shares without par value into shares with par value, no such shares shall be converted unless that part of the issued capital attributable to the shares being converted is equal to the aggregate par value of the shares resulting from the conversion.

Issued capital;
par value
shares how
expressed

65b.—(1) Where all the shares of a corporation are with par value, its issued capital shall be expressed in Canadian currency, and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

No par value
shares how
expressed

(2) Where the shares of a corporation are without par value or where part of the shares of a corporation are

SECTION 10. The amendment provides for the method of creating no par value shares as well as the manner of expressing issued shares.

SECTION 11. The amendment requires loan and trust corporations to furnish shareholders lists for purposes of the corporation in the same manner as provided under *The Business Corporations Act*.

with par value and part are without par value, its issued capital shall be expressed in Canadian currency, and in an amount equal to the total of the products of the number of issued shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the corporation may be transferred thereto and less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

- 11.** The said Act is further amended by adding thereto the <sup>s.66a,
enacted</sup> following section:

66a.—(1) Any person, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, or its transfer agent to furnish within ten days from the filing of the affidavit a list setting out the names alphabetically arranged of all persons who are shareholders of the corporation, the number of shares owned by each such person and the address of each such person as shown on the records of the corporation made up to a date not more than ten days before the date of filing the affidavit.

Where list of
shareholders
to be
furnished

(2) The affidavit referred to in subsection 1 shall be made <sup>Form of
affidavit</sup> by the applicant and shall be in the following form:

FORM OF AFFIDAVIT

Province of Ontario
County of

In the Matter of
(Insert name of corporation)

I, of the of

in the of

make oath and say:

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I hereby apply for a list of the shareholders of the above-named corporation.
2. I require the list of shareholders only for purposes connected with the above-named corporation.
3. The list of shareholders and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Idem, where
applicant
a body
corporate

(3) Where the applicant is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate.

Use
of list

(4) No person shall use a list of all or any of the shareholders of a corporation obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities other than the securities of the corporation; or

(b) for any purpose not connected with the corporation.

Furnishing
list

(5) Every corporation or transfer agent shall furnish a list in accordance with subsection 1 when so required.

Purposes
connected
with
corporation
defined

(6) Purposes connected with the corporation include any effort to influence the voting of shareholders at any meeting thereof, any offer to acquire shares in the corporation or any effort to effect an amalgamation or reorganization.

s. 106 (1),
re-enacted

12. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

Power to
unite with
other cor-
porations and
to purchase
or sell assets

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or, subject to subsection 3 of section 116, with those of any trust company in Canada, or may purchase the assets of any other loan corporation in Canada, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase.

s. 107 (3),
amended

13. Subsection 3 of section 107 of the said Act is amended by inserting after "par value" in the sixth line "if any".

s. 116 (2, 3),
re-enacted

14. Subsections 2 and 3 of section 116 of the said Act are repealed and the following substituted therefor:

Power of
trust
companies to
unite with
other cor-
porations and
to purchase
or sell assets

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or trust

SECTION 12. The amendment permits loan corporations to amalgamate with trust companies and continue as loan corporations.

SECTION 13. Complementary to section 9 of this Bill.

SECTION 14. The amendment permits a trust company and a loan corporation to amalgamate and continue as a trust company.

SECTION 15. The provision requiring at least 95 per cent of the total mortgage investments to be in first mortgages is removed.

SECTION 16. The amendment clarifies that a loan can be made directly by way of mortgage, and not only by a mortgage of a mortgage as presently may be construed.

company in Canada, or may purchase the assets of any corporation in Canada or may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 106 and sections 107 to 114, apply, *mutatis mutandis*, thereto..

(3) In any case of a union, merger, amalgamation or consolidation of a trust company with a loan corporation or a purchase of assets of a loan corporation by a trust company, the new, continuing or purchasing corporation, as the case may be, shall be a trust company, and it shall forthwith earmark and set aside in respect of any debentures and deposits of the loan corporation, securities, or cash and securities, equal to the full aggregate amount of such debentures and deposits, and for the purpose of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities.

Where trust
company
purchases
assets of loan
corporation

15. Subsection 6 of section 137 of the said Act is repealed. s. 137 (6);
repealed

16. Clause *d* of subsection 3 of section 150 of the said Act is s. 150 (3) (*d*);
re-enacted repealed and the following substituted therefor:

(*d*) real estate or leaseholds in Canada or in any country in which the corporation is carrying on business, notwithstanding that the loan exceeds the amount that the corporation is otherwise authorized to lend, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situate or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act*, or similar legislation of any province or territory of Canada; and

R.S.C. 1970,
cc. I-15, I-16

R.S.O. 1970,
c. 224

s. 152,
amended

17. Section 152 of the said Act is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:

(*f*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

s. 155,
amended

18. Section 155 of the said Act is amended by striking out “or” at the end of clause *e*, by adding “or” at the end of clause *f*, and by adding thereto the following clause:

(*g*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

s. 162,
amended

19. Section 162 of the said Act is amended by striking out “paid up” in the fourth line.

s. 163 (3) (*e*),
amended

20.—(1) Clause *e* of subsection 3 of section 163 of the said Act is amended by striking out “manager” in the first line and inserting in lieu thereof “general manager”.

s. 163 (6) (*b*),
amended

(2) Clause *b* of subsection 6 of the said section 163 is amended by striking out “150, 151, 153 and 154” in the second and third lines and inserting in lieu thereof “106, 115, 116, 117, 150, 151, 152, 153, 154 and 155”.

s. 177 (1),
amended

21. Subsection 1 of section 177 of the said Act is amended by striking out “not less than \$20 and not more than \$200” in the fourth line and inserting in lieu thereof “not more than \$2,000” and by striking out “\$1,000” in the eighth line and inserting in lieu thereof “\$25,000”.

s. 178 (1),
amended

22. Subsection 1 of section 178 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 23, is amended by adding thereto the following clauses:

(*c*) respecting the records, papers and documents to be retained by corporations and the length of time they shall be so retained;

(*d*) requiring the disclosure to borrowers of terms and conditions of loans, mortgages and interest rates in lending transactions and prescribing the form thereof.

SECTIONS 17 AND 18. The amendments permit both loan and trust corporations to operate subsidiary companies to finance construction projects.

SECTION 19. Complementary to section 9 of this Bill.

SECTION 20.—Subsection 1. The prohibiting of loans to any manager of a loan or trust company is changed to only prohibit loans to the general manager.

Subsection 2. The provision amended permits exemption by the Minister from the prohibition of investment in assets of certain related persons or corporations. The references added bring up to date the reference to the investment powers under which such exempted investments may be made.

SECTION 21. The penalties provided for breach of the Act are increased to be in line with other Acts administered by the Ministry.

SECTION 22. The amendments authorize regulations respecting the destruction of records and for the disclosure of terms of loans and interest rates, particularly in mortgage transactions.

- 23.**—(1) This Act, except section 5, comes into force on the day ^{commencement} it receives Royal Assent.
- (2) Section 5 comes into force on a day to be named by ^{Idem} the Lieutenant Governor by his proclamation.
- 24.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1973.* ^{Short title}

An Act to amend
The Loan and Trust Corporations
Act

1st Reading

November 16th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(*Government Bill*)

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-B 56

BILL 233

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Loan and Trust Corporations Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1. Corporations owned or controlled by a loan or trust corporation and that finance construction are exempt from the definition of loan corporation.

SECTION 2. Complementary to sections 6 and 7 of this Bill.

SECTION 3. The minimum number of shareholders of loan and trust corporations is reduced from twenty-five to five, to acknowledge that a number of such companies are wholly owned subsidiaries.

SECTION 4.—Subsection 1. Complementary to section 3 of this Bill.

Subsection 2. The amendment provides that no par value shares are to be issued for a stated consideration.

SECTION 5. The incorporation of an Ontario corporation to be designated as a mortgage investment company is provided for in order to have the advantage of pending Federal legislation.

BILL 233

1973

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1, is further amended by inserting after “*Act*” in the amendment of 1972 “a company referred to in clause *f* of section 152 or clause *g* of section 155 and that is controlled by a loan corporation or a trust corporation in accordance with the regulations”.
2. Subsection 3 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 2, is amended by striking out “65, except sections 24, 26” and inserting in lieu thereof “65b, except sections” in the first line.
3. Subsection 1 of section 8 of the said Act is amended by striking out “twenty-five” in the fourth line and inserting in lieu thereof “five”.
- 4.—(1) Subsection 3 of section 9 of the said Act is amended by striking out “twenty-five” in the second and third lines and inserting in lieu thereof “five”.
- (2) The said section 9 is amended by adding thereto the following subsection:
 - (4) Shares without par value shall not be allotted or issued except for such consideration as the by-laws provide. Consideration for no par value shares
5. The said Act is amended by adding thereto the following sections:
 - 17a.—(1) A loan corporation incorporated and registered under this Act may apply by petition to the Lieutenant Governor in Council for an order designating it as a mortgage Mortgage investment company

1970-71, c. 63
(Can.)

investment company for the purpose of carrying on business as a mortgage investment corporation within the meaning of the *Income Tax Act* (Canada) and such order may be made subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Not to take deposits

(2) Notwithstanding section 78, a loan corporation that is designated as a mortgage investment company shall not borrow money on deposit.

Business confined

(3) A loan corporation that is designated as a mortgage investment company shall carry on its undertaking in Ontario and the other provinces and territories of Canada only.

By-laws must conform

(4) A loan corporation that is designated as a mortgage investment company shall not commence business as a mortgage investment company until its by-laws have been amended to conform to the terms and conditions prescribed, the provisions of sections 17b to 17f, and the regulations and such by-laws have been filed with and approved by the Registrar.

Amendment of registration

(5) Upon the making of the order under subsection 1 and the amendment and approval of the by-laws under subsection 3, the Registrar shall amend the registration of the loan corporation kept under clause *a* of subsection 1 of section 120 and subsection 1 of section 135.

Investments

17b.—(1) Notwithstanding sections 150 and 151 and subject to subsection 2, a loan corporation designated as a mortgage investment company shall have and maintain at least 50 per cent of the book value of its assets in one or more of the following forms,

1973, c. ...

(a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and

(b) cash on hand or on deposit in a bank or other depository approved by the Registrar.

Idem

(2) The total of,

1973, c. ...

(a) the book value of the investments of a mortgage investment company in shares of the capital stock of companies at least 85 per cent of whose assets are in the form of residential property as defined in the *Residential Mortgage Financing Act* (Canada); and

- (b) the book value of the investments of a mortgage investment company in real estate or leaseholds before deducting the amount of any charges or liens thereon but excluding real estate or leaseholds acquired by the company by foreclosure or otherwise after default made on a mortgage, hypothec or agreement of sale in respect thereof,

shall not exceed 25 per cent of the book value of its total assets.

17c.—(1) Notwithstanding sections 150 and 151, a loan <sup>Investment
in real estate
or leaseholds</sup> corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if,

1970-71, c. 63
(Can.)

(a) a lease of the real estate or leasehold is made to, or guaranteed by,

- (i) the government, or an agency of the government, of the province in which the real estate or leasehold is situated, a municipality in that province or an agency of such municipality, or
- (ii) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m* of subsection 1 of section 150; and

(b) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the company in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) A loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or

1970-71, c. 63
(Can.)

any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

Application
of s. 150 (1)
(n, o)

(3) Clauses *n* and *o* of subsection 1 of section 150 do not apply in respect of a corporation to which this section applies.

Other
investments
“basket
clause”

17d.—(1) A loan corporation designated as a mortgage investment company may, subject to this section, make investments and loans not authorized by sections 17*b*, 17*c* and 150, including investments in real estate or leaseholds.

Production
of income

1970-71, c. 63
(Can.)

(2) Investments in real estate or leaseholds in Canada made under subsection 1 shall be made only for the production of income, and may be made either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada); and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds.

Saving

(3) This section shall be deemed not to,

- (a) enlarge the authority conferred by section 150 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds; or
- (b) affect the operation of section 157 with reference to the maximum proportion of common shares and total shares of any corporation that may be purchased.

Limit

(4) Section 151 does not apply in respect of a company to which subsection 1 applies but the total value of the investments made under subsection 1 and held by the company, excluding those that are or at any time since acquisi-

tion have been authorized as investments apart from that subsection, shall not exceed 7 per cent of the book value of the total assets of the company.

17e.—(1) Notwithstanding section 83, the aggregate of the sums of money borrowed by a loan corporation designated as a mortgage investment company and outstanding shall not at any time exceed five times the excess of the book value of the assets of the company over its liabilities, but if at any particular time the book value of the assets of the company in the form of,

- (a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and
- (b) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

are less than two-thirds of the book value of the assets of the company, the aggregate of the sums of money borrowed by the company and outstanding shall not at that time exceed three times the excess of the book value of the assets of the company over its liabilities.

(2) For the purpose of subsection 1, the principal amount of any charges or liens on the real estate or leaseholds remaining unpaid shall be included in the computation of the sums of money borrowed by the corporation.

17f.—(1) A loan corporation designated as a mortgage investment company shall so manage its affairs that the aggregate of,

- (a) all repayments of principal on mortgages or hypothecs held by it and reasonably expected to be received within the year;
- (b) amounts maturing on its other investments within the year;
- (c) such amount of credit from chartered banks in Canada as is acquired in accordance with conditions imposed by the Superintendent of Insurance; and
- (d) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

shall at all times be equal to or in excess of the aggregate of the sum of all mortgage commitments made by it and falling due within the year and the amount of all debt instruments issued by it and maturing within the year.

Meaning of
“within the
year”

(2) In this section, the expression “within the year” means the twelve-month period following the month in which the calculation is made.

Shares are
eligible
investment
R.S.O. 1970,
c. 224

17g. Notwithstanding any provision of *The Insurance Act* or this Act, the shares, debentures and other evidences of indebtedness of a mortgage investment company are an eligible investment for the funds of insurance companies, trust companies and other loan companies governed respectively by those Acts, subject to the provisions of the Acts governing those companies respecting,

- (a) the proportion of the funds of those companies that may be invested at any one time in the common shares of corporations; and
- (b) the proportion of the shares of any corporation that may be purchased by those companies.

Regulations

17h. The Lieutenant Governor in Council may make regulations with respect to loan corporations designated as mortgage investment companies,

- (a) prescribing limitations on their dealings with companies providing investment advice or management services;
- (b) prescribing limitations and restrictions with respect to their purchase or acquisition of assets from or sale of assets to their directors, officers or shareholders;
- (c) providing for their redesignation as loan corporations.

s. 24,
re-enacted

6. Section 24 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

24. In this section and in sections 24b to 24g,

- (a) “Commission” means the Ontario Securities Commission;
- (b) “company” means a body corporate, including a corporation to which this Act applies;
- (c) “form of proxy” means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;

SECTION 6. The provisions in *The Corporations Act* with respect to proxy solicitations, now adopted by reference, are re-enacted in the Act to create a self-contained Act for convenience of use.

(d) "information circular" means the circular referred to in subsection 1 of section 24c;

(e) "proxy" means a completed and executed form of proxy by means of which a shareholder has appointed a person as his nominee to attend and act for him and on his behalf at a meeting of shareholders;

(f) "solicit" and "solicitation" include,

(i) any request for a proxy whether or not accompanied by or included in a form of proxy,

(ii) any request to execute or not to execute a form of proxy or to revoke a proxy,

(iii) the sending or delivery of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and

(iv) the sending or delivery of a form of proxy to a shareholder pursuant to section 24b,

but do not include,

(v) the sending or delivery of a form of proxy to a shareholder in response to an unsolicited request made by him or on his behalf, or

(vi) the performance by any person of ministerial acts or professional services on behalf of a person soliciting a proxy.

24a.—(1) Every shareholder of a corporation, including a Proxies shareholder that is a company, entitled to vote at a meeting of shareholders may by means of a proxy appoint a person, who need not be a shareholder, as his nominee to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

(2) A proxy shall be executed by the shareholder or his ^{Execution and} attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and ceases to be valid one year from its date.

(3) In addition to the requirements, where applicable, of ^{Contents} section 24e, a proxy shall contain the date thereof and the

appointment and name of the nominee and may contain a revocation of a former proxy and restrictions, limitations or instructions as to the manner in which the shares in respect of which the proxy is given are to be voted or that may be necessary to comply with the laws of any jurisdiction in which the shares of the provincial corporation are listed on a stock exchange or a restriction or limitation as to the number of shares in respect of which the proxy is given.

Revocation

(4) In addition to revocation in any other manner permitted by law, a proxy may be revoked by instrument in writing executed by the shareholder or by his attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and deposited either at the head office of the corporation at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used or with the chairman of such meeting on the day of the meeting, or adjournment thereof, and upon either of such deposits the proxy is revoked.

**Time limit
for deposit**

(5) The directors may by resolution fix a time not exceeding forty-eight hours, excluding Saturdays and holidays, preceding any meeting or adjourned meeting of shareholders before which time proxies to be used at that meeting must be deposited with the provincial corporation or an agent thereof, and any period of time so fixed shall be specified in the notice calling the meeting or in the information circular relating thereto.

**Mandatory
solicitation
of proxies**

24b.—(1) Subject to section 24d, the management of a corporation shall, concurrently with or prior to giving notice of a meeting of shareholders of the corporation, send by prepaid mail to each shareholder who is entitled to vote at such meeting at his last address as shown on the books of the corporation a form of proxy for use at such meeting that complies with section 24e.

Offence

(2) If the management of a provincial corporation fails to comply with subsection 1, the corporation is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and every director or officer of the corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

**Information
circular**

24c.—(1) Subject to subsection 2 and section 24d, no person shall solicit proxies unless,

- (a) in the case of a solicitation by or on behalf of the management of a corporation, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each shareholder of the corporation whose proxy is solicited at his last address as shown on the books of the corporation; or
- (b) in the case of any other solicitation, the person making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each shareholder of the corporation whose proxy is solicited.

(2) Subsection 1 does not apply to,

- (a) any solicitation, otherwise than by or on behalf of the management of a corporation, where the total number of shareholders whose proxies are solicited is not more than fifteen, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder;

Where
subs. 1
does not
apply

- (b) any solicitation by a person made under section 80 of *The Securities Act*; and
- (c) any solicitation by a person in respect of shares of which he is the beneficial owner.

R.S.O. 1970,
c. 426

(3) A person who fails to comply with subsection 1 is guilty ^{Offence} of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a corporation, every director or officer of such corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(4) A person who effects a solicitation that is subject to ^{Idem} this section by means of a form of proxy, information circular or other communication that contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a like fine.

(5) No person is guilty of an offence under subsection 4 in ^{Saving} respect of any untrue statement of a material fact or omission

to state a material fact in a form of proxy or information circular, if the untruth of such statement or the fact of such omission was not known to the person who effected the solicitation and in the exercise of reasonable diligence could not have been known to such person.

Where
s. 24b and
s. 24c(1),
do not apply

24d.—(1) Section 24b and subsection 1 of section 24c do not apply to a corporation that has fewer than fifteen shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder.

Exemption
orders

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 24b or of subsection 1 of section 24c.

Hearing of
Commission
R.S.O. 1970.
c. 426

(3) Section 5 of *The Securities Act* applies, so far as possible, to hearings of the Commission under this section.

Appeal
from
Commission

(4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Supreme Court, and subsections 2 to 6 of section 29 of *The Securities Act* apply to the appeal.

Special form
of proxy

24e. Where section 24b or 24c is applicable to a solicitation of proxies,

(a) the form of proxy sent to a shareholder by a person soliciting proxies,

(i) shall indicate in bold-face type whether or not the proxy is solicited by or on behalf of the management of the corporation; and

(ii) shall provide a specifically designated blank space for dating the form of proxy;

(b) the form of proxy shall provide means whereby the person whose proxy is solicited is afforded an opportunity to specify that the shares registered in his name shall be voted by the nominee in favour of or against, in accordance with such person's choice, each matter or group of related matters identified therein or in the information circular as intended to be acted upon, other than the election of directors and the appointment of auditors, pro-

vided that a proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by such means if the form of proxy or the information circular states in bold-face type how it is intended to vote the shares represented by the proxy in each such case;

(c) a proxy may confer discretionary authority with respect to,

- (i) amendments or variations to matters identified in the notice of meeting, or
- (ii) other matters which may properly come before the meeting,

provided that,

- (iii) the person by whom or on whose behalf the solicitation is made is not aware a reasonable time prior to the time the solicitation is made that any such amendments, variations or other matters are to be presented for action at the meeting, and
- (iv) a specific statement is made in the information circular or in the form of proxy that the proxy is conferring such discretionary authority;

(d) no proxy shall confer authority,

- (i) to vote for the election of any person as a director of the corporation unless a *bona fide* proposed nominee for such election is named in the information circular, or
- (ii) to vote at any meeting other than the meeting specified in the notice of meeting or any adjournment thereof;

(e) the information circular or form of proxy shall state that the shares represented by the proxy will be voted and that, where the person whose proxy is solicited specifies a choice with respect to any matter to be acted upon under clause *b*, the shares shall, subject to section 24*f*, be voted in accordance with the specifications so made;

(f) the information circular or form of proxy shall indicate in bold-face type that the shareholder

has the right to appoint a person to attend and act for him and on his behalf at the meeting other than the person, if any, designated in the form of proxy, and shall contain instructions as to the manner in which the shareholder may exercise such right; and

- (g) if the form of proxy contains a designation of a named person as nominee, means shall be provided whereby the shareholder may designate in a form of proxy some other person as his nominee for the purpose of subsection 1 of section 24a.

Where vote
by ballot not
required

24f. If the aggregate number of shares represented at a meeting by proxies required to be voted for or against a particular matter or group of matters carries, to the knowledge of the chairman of the meeting, less than 5 per cent of the voting rights attached to the shares entitled to vote and represented at the meeting, the chairman of the meeting has the right not to conduct a vote by way of ballot on any such matter or group of matters unless a poll is demanded at the meeting.

Regulations
re contents
of informa-
tion circular

24g. The Lieutenant Governor in Council may make such regulations respecting the form and content of an information circular as he considers necessary or appropriate in the public interest.

s. 26,
re-enacted

7. Section 26 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

R.S.O. 1970,
c. 89

26.—(1) In this section and in sections 26a to 26f,

- (a) “affiliate” means an affiliated company within the meaning of subsection 3 of section 107 of *The Corporations Act*;
- (b) “associate”, where used to indicate a relationship with any person, means,
 - (i) any company of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
 - (ii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity, or

SECTION 7. The provisions in *The Corporations Act* with respect to insider trading reports, now adopted by reference, are re-enacted in the Act to create a self-contained Act for convenience of use.

- (iii) any relative or spouse of such person or any relative of such spouse who in any such case, has the same home as such person;
- (c) “capital security” means any share of any class of shares of a company or any bond, debenture, note or other obligation of a company, whether secured or unsecured;
- (d) “Commission” means the Ontario Securities Commission;
- (e) “company” means a body corporate, including a corporation to which this Act applies;
- (f) “equity share” means any share of any class of shares of a company carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) “insider” or “insider of a company” means,
 - (i) any director or senior officer of a company that has fifteen or more shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder,
 - (ii) any person who beneficially owns, directly or indirectly, equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding, provided that in computing the percentage of voting rights attached to equity shares owned by an underwriter there shall be excluded any equity shares that have been acquired by him as underwriter in the course of distribution to the public of such shares, but such exclusion ceases to have effect on completion or cessation of the distribution to the public by him, or
 - (iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding;
- (h) “senior officer” means,

- (i) the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for the company similar to those normally performed by an individual occupying any such office, and
- (ii) each of the five highest paid employees of a company, including any individual referred to in subclause i;

R.S.O. 1970.
c. 426

(i) "underwriter" has the same meaning as in *The Securities Act*.

Idem

(2) For the purposes of this section and sections 26a to 26f,

- (a) every director or senior officer of a company that is itself an insider of another company shall be deemed to be an insider of such other company;
- (b) an individual shall be deemed to own beneficially capital securities beneficially owned by a company controlled by him or by an affiliate of such company;
- (c) a company shall be deemed to own beneficially capital securities beneficially owned by its affiliates; and
- (d) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a capital security shall be deemed a change in the beneficial ownership of the capital security to which such transferable option relates.

Report

26a.—(1) A person who becomes an insider of a corporation shall, within ten days after the end of the month in which he becomes an insider, file with the Commission a report, as of the day on which he became an insider, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

Idem

(2) If a person who is an insider of a corporation, but has no direct or indirect beneficial ownership of or control or direction over capital securities of the corporation, acquires direct or indirect beneficial ownership of or control or direction over any such securities, he shall, within ten days after the end of the month in which he acquired such direct or indirect beneficial ownership or such control

or direction, file with the Commission a report, as of the date of such acquisition, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

(3) A person who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over capital securities of the corporation changes from that shown or required to be shown in such report or in the last report filed by him under this subsection shall, within ten days following the end of the month in which such change takes place, provided that he was an insider of the corporation at any time during such month, file with the Commission a report of his direct or indirect beneficial ownership of or his control or direction over capital securities of the corporation at the end of such month and the change or changes therein that occurred during the month, and giving such details of each transaction as may be required by the regulations made under section 26f.

26b.—(1) All reports filed with the Commission under section 26a or any predecessor thereof shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

(2) The Commission shall summarize in or as part of a monthly periodical for distribution to the public on payment of a reasonable fee therefor the information contained in the reports so filed.

26c.—(1) Every person who is required to file a report under section 26a or any predecessor thereof and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(2) Every person who files a report under section 26a^{Idem} or any predecessor thereof that is false or misleading by reason of the misstatement or omission of a material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a like fine.

Saving	(3) No person is guilty of an offence under subsection 2 if he did not know and in the exercise of reasonable diligence could not have known that the report was false or misleading by reason of the misstatement or omission of a material fact.
Consent to prosecute	(4) No prosecution shall be brought under subsection 1 or 2 without the consent of the Commission.
Liability of insiders	26d.—(1) Every insider of a corporation or associate or affiliate of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of such transaction, unless such information was known or ought reasonably to have been known to such person at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction.
Limitation period	(2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.
Order to commence action	26e.—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 26d or is at the time of the application an owner of capital securities of the corporation, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied that,
	(a) such person has reasonable grounds for believing that the corporation has a cause of action under section 26d; and
	(b) either,
	(i) the corporation has refused or failed to commence an action under section 26d within sixty days after receipt of a written request from such person so to do, or
	(ii) the corporation has failed to prosecute diligently an action commenced by it under section 26d,

SECTION 8. The amount of qualifying shares required to be held by a director is amended to increase the amount to be paid up from \$500 to \$1,000 and to provide an alternative of shares having a value of at least \$2,500.

SECTION 9. The amendment authorizes no par value shares for a corporation that has been registered for over five years.

make an order, upon such terms as to security for costs and otherwise as to the judge seems fit, requiring the Commission to commence or continue an action in the name of and on behalf of the corporation to enforce the liability created by section 26d.

(2) The corporation and the Commission shall be given notice to corporation and O.S.C. of any application under subsection 1 and shall have the right to appear and be heard thereon.

(3) Every order made under subsection 1 shall provide that the corporation shall co-operate fully with the Commission in the institution and prosecution of such action and shall make available to the Commission all books, records, documents and other material or information known to the corporation or reasonably ascertainable by the corporation relevant to such action.

(4) An appeal lies to the Court of Appeal from an order made under subsection 1.

26f. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form and content of the reports required to be filed under section 26a;
 - (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of sections 26 to 26e.
- 8.** Subsection 2 of section 35 of the said Act, as amended by s. 35 (2),
the Statutes of Ontario, 1971, chapter 98, section 4, is re-enacted
repealed and the following substituted therefor:

(2) No person is qualified to be a director unless he is of the full age of eighteen years and he is a shareholder holding, in his own right, shares of the corporation in respect of which, either,

- (a) at least \$1,000 has been paid in; or
- (b) at the time of purchase had a market value of at least \$2,500,

and he is not in arrears in respect of any call thereon.

- 9.** Subsections 1, 2 and 3 of section 65 of the said Act are s. 65 (1-3),
re-enacted repealed and the following substituted therefor:

Increase or decrease of capital	(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital and, where the corporation has been registered under this Act for a continuous period of five years, for the increase of its capital by authorizing no par value shares.
Contents of by-law	(2) The by-laws shall state the number, class and par value of shares with par value and for shares without par value the stated amount as consideration for which such shares might be issued, by which the capital is so increased or decreased.
Conversion	(3) The directors may by by-law provide upon the terms therein stated for the conversion of partly paid-up shares into paid-up shares, for subdividing shares, altering the par value of shares, and subject to section 65a for the conversion of its shares.
ss. 65a, 65b, enacted	10. The said Act is further amended by adding thereto the following sections:
Conversion of par shares to par shares	65a.—(1) The by-laws of a corporation may provide for the conversion of shares with par value into other shares with par value provided that the aggregate par value of the shares being converted is equal to the aggregate par value of the shares into which they are converted.
Par shares to no par shares	(2) Where, in accordance with the by-laws, shares with par value are converted into shares without par value the issued capital of the corporation attributable to the shares resulting from the conversion shall be equal to the aggregate par value of the shares converted.
No par shares to par shares	(3) Where the by-laws provide for the conversion of shares without par value into shares with par value, no such shares shall be converted unless that part of the issued capital attributable to the shares being converted is equal to the aggregate par value of the shares resulting from the conversion.
Issued capital; par value shares how expressed	65b.—(1) Where all the shares of a corporation are with par value, its issued capital shall be expressed in Canadian currency, and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.
No par value shares how expressed	(2) Where the shares of a corporation are without par value or where part of the shares of a corporation are

SECTION 10. The amendment provides for the method of creating no par value shares as well as the manner of expressing issued shares.

SECTION 11. The amendment requires loan and trust corporations to furnish shareholders lists for purposes of the corporation in the same manner as provided under *The Business Corporations Act*.

with par value and part are without par value, its issued capital shall be expressed in Canadian currency, and in an amount equal to the total of the products of the number of issued shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the corporation may be transferred thereto and less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

- 11.** The said Act is further amended by adding thereto the ^{s. 66a,} enacted following section:

66a.—(1) Any person, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, or its transfer agent to furnish within ten days from the filing of the affidavit a list setting out the names alphabetically arranged of all persons who are shareholders of the corporation, the number of shares owned by each such person and the address of each such person as shown on the records of the corporation made up to a date not more than ten days before the date of filing the affidavit.

Where list of
shareholders
to be
furnished

(2) The affidavit referred to in subsection 1 shall be made ^{Form of} affidavit by the applicant and shall be in the following form:

FORM OF AFFIDAVIT

Province of Ontario
County of

In the Matter of
(Insert name of corporation)

I, of the of

in the of

make oath and say:

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I hereby apply for a list of the shareholders of the above-named corporation.
2. I require the list of shareholders only for purposes connected with the above-named corporation.
3. The list of shareholders and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Idem, where
applicant
a body
corporate

(3) Where the applicant is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate.

Use
of list

(4) No person shall use a list of all or any of the shareholders of a corporation obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities other than the securities of the corporation; or

(b) for any purpose not connected with the corporation.

Furnishing
list

(5) Every corporation or transfer agent shall furnish a list in accordance with subsection 1 when so required.

Purposes
connected
with
corporation
defined

(6) Purposes connected with the corporation include any effort to influence the voting of shareholders at any meeting thereof, any offer to acquire shares in the corporation or any effort to effect an amalgamation or reorganization.

s. 106 (1),
re-enacted

12. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

Power to
unite with
other cor-
porations and
to purchase
or sell assets

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or, subject to subsection 3 of section 116, with those of any trust company in Canada, or may purchase the assets of any other loan corporation in Canada, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase.

s. 107 (3),
amended

13. Subsection 3 of section 107 of the said Act is amended by inserting after "par value" in the sixth line "if any".

s. 116 (2, 3),
re-enacted

14. Subsections 2 and 3 of section 116 of the said Act are repealed and the following substituted therefor:

Power of
trust
companies to
unite with
other cor-
porations and
to purchase
or sell assets

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or trust

SECTION 12. The amendment permits loan corporations to amalgamate with trust companies and continue as loan corporations.

SECTION 13. Complementary to section 9 of this Bill.

SECTION 14. The amendment permits a trust company and a loan corporation to amalgamate and continue as a trust company.

SECTION 15. The provision requiring at least 95 per cent of the total mortgage investments to be in first mortgages is removed.

SECTION 16. The amendment clarifies that a loan can be made directly by way of mortgage, and not only by a mortgage of a mortgage as presently may be construed.

company in Canada, or may purchase the assets of any corporation in Canada or may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 106 and sections 107 to 114, apply, *mutatis mutandis*, thereto.

(3) In any case of a union, merger, amalgamation or consolidation of a trust company with a loan corporation or a purchase of assets of a loan corporation by a trust company, the new, continuing or purchasing corporation, as the case may be, shall be a trust company, and it shall forthwith earmark and set aside in respect of any debentures and deposits of the loan corporation, securities, or cash and securities, equal to the full aggregate amount of such debentures and deposits, and for the purpose of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities.

15. Subsection 6 of section 137 of the said Act is repealed. s. 137 (6),
repealed

16. Clause *d* of subsection 3 of section 150 of the said Act is s. 150 (3) (d),
re-enacted repealed and the following substituted therefor:

(*d*) real estate or leaseholds in Canada or in any country in which the corporation is carrying on business, notwithstanding that the loan exceeds the amount that the corporation is otherwise authorized to lend, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situate or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act*, <sup>R.S.C. 1970,
cc. I-15, I-16</sup> <sup>R.S.O. 1970,
c. 224</sup> or similar legislation of any province or territory of Canada; and

s. 152,
amended

- 17.** Section 152 of the said Act is amended by striking out "or" at the end of clause *d*, by adding "or" at the end of clause *e* and by adding thereto the following clause:

(*f*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

s. 155,
amended

- 18.** Section 155 of the said Act is amended by striking out "or" at the end of clause *e*, by adding "or" at the end of clause *f*, and by adding thereto the following clause:

(*g*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

s. 162,
amended

- 19.** Section 162 of the said Act is amended by striking out "paid up" in the fourth line.

s. 163 (3) (*e*),
amended

- 20.—(1)** Clause *e* of subsection 3 of section 163 of the said Act is amended by striking out "manager" in the first line and inserting in lieu thereof "general manager".

s. 163 (6) (*b*),
amended

- (2) Clause *b* of subsection 6 of the said section 163 is amended by striking out "150, 151, 153 and 154" in the second and third lines and inserting in lieu thereof "106, 115, 116, 117, 150, 151, 152, 153, 154 and 155".

s. 177 (1),
amended

- 21.** Subsection 1 of section 177 of the said Act is amended by striking out "not less than \$20 and not more than \$200" in the fourth line and inserting in lieu thereof "not more than \$2,000" and by striking out "\$1,000" in the eighth line and inserting in lieu thereof "\$25,000".

s. 178 (1),
amended

- 22.** Subsection 1 of section 178 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 23, is amended by adding thereto the following clauses:

(*c*) respecting the records, papers and documents to be retained by corporations and the length of time they shall be so retained;

(*d*) requiring the disclosure to borrowers of terms and conditions of loans, mortgages and interest rates in lending transactions and prescribing the form thereof.

SECTIONS 17 AND 18. The amendments permit both loan and trust corporations to operate subsidiary companies to finance construction projects.

SECTION 19. Complementary to section 9 of this Bill.

SECTION 20.—Subsection 1. The prohibiting of loans to any manager of a loan or trust company is changed to only prohibit loans to the general manager.

Subsection 2. The provision amended permits exemption by the Minister from the prohibition of investment in assets of certain related persons or corporations. The references added bring up to date the reference to the investment powers under which such exempted investments may be made.

SECTION 21. The penalties provided for breach of the Act are increased to be in line with other Acts administered by the Ministry.

SECTION 22. The amendments authorize regulations respecting the destruction of records and for the disclosure of terms of loans and interest rates, particularly in mortgage transactions.

- 23.**—(1) This Act, except section 5, comes into force on the day ^{commencement} it receives Royal Assent.
- (2) Section 5 comes into force on a day to be named by ^{Idem} the Lieutenant Governor by his proclamation.
- 24.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1973.* ^{Short title}

BILL 253

An Act to amend
The Loan and Trust Corporations
Act

1st Reading

November 16th, 1973

2nd Reading

November 20th, 1973

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Reprinted as amended by the
Committee of the Whole House)

CAZON

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-B 56

BILL 233

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Loan and Trust Corporations Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

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**An Act to amend The Loan and
Trust Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1, is further amended by inserting after “*Act*” in the amendment of 1972 “a company referred to in clause *f* of section 152 or clause *g* of section 155 and that is controlled by a loan corporation or a trust corporation in accordance with the regulations”.
2. Subsection 3 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 2, is amended by striking out “65, except sections 24, 26” and inserting in lieu thereof “65*b*, except sections” in the first line.
3. Subsection 1 of section 8 of the said Act is amended by striking out “twenty-five” in the fourth line and inserting in lieu thereof “five”.
- 4.—(1) Subsection 3 of section 9 of the said Act is amended by striking out “twenty-five” in the second and third lines and inserting in lieu thereof “five”.
- (2) The said section 9 is amended by adding thereto the following subsection:
 - (4) Shares without par value shall not be allotted or issued except for such consideration as the by-laws provide. Consideration for no par value shares
5. The said Act is amended by adding thereto the following sections:
 - 17*a*.—(1) A loan corporation incorporated and registered under this Act may apply by petition to the Lieutenant Governor in Council for an order designating it as a mortgage investment company

1970-71, c. 63
(Can.)

investment company for the purpose of carrying on business as a mortgage investment corporation within the meaning of the *Income Tax Act* (Canada) and such order may be made subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Not to take deposits

(2) Notwithstanding section 78, a loan corporation that is designated as a mortgage investment company shall not borrow money on deposit.

Business confined

(3) A loan corporation that is designated as a mortgage investment company shall carry on its undertaking in Ontario and the other provinces and territories of Canada only.

By-laws must conform

(4) A loan corporation that is designated as a mortgage investment company shall not commence business as a mortgage investment company until its by-laws have been amended to conform to the terms and conditions prescribed, the provisions of sections 17b to 17f, and the regulations and such by-laws have been filed with and approved by the Registrar.

Amendment of registration

(5) Upon the making of the order under subsection 1 and the amendment and approval of the by-laws under subsection 3, the Registrar shall amend the registration of the loan corporation kept under clause a of subsection 1 of section 120 and subsection 1 of section 135.

Investments

17b.—(1) Notwithstanding sections 150 and 151 and subject to subsection 2, a loan corporation designated as a mortgage investment company shall have and maintain at least 50 per cent of the book value of its assets in one or more of the following forms,

1973, c.

(a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and

(b) cash on hand or on deposit in a bank or other depository approved by the Registrar.

Idem

(2) The total of,

1973, c.

(a) the book value of the investments of a mortgage investment company in shares of the capital stock of companies at least 85 per cent of whose assets are in the form of residential property as defined in the *Residential Mortgage Financing Act* (Canada); and

- (b) the book value of the investments of a mortgage investment company in real estate or leaseholds before deducting the amount of any charges or liens thereon but excluding real estate or leaseholds acquired by the company by foreclosure or otherwise after default made on a mortgage, hypothec or agreement of sale in respect thereof,

shall not exceed 25 per cent of the book value of its total assets.

17c.—(1) Notwithstanding sections 150 and 151, a loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if,

Investment
in real estate
or leaseholds

1970-71, c. 63
(Can.)

- (a) a lease of the real estate or leasehold is made to, or guaranteed by,

- (i) the government, or an agency of the government, of the province in which the real estate or leasehold is situated, a municipality in that province or an agency of such municipality, or
- (ii) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m* of subsection 1 of section 150; and

- (b) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the company in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) A loan corporation designated as a mortgage investment company may invest its funds in real estate or leaseholds in Canada for the production of income, either alone or jointly with any corporation incorporated in Canada or

1970-71, c. 63
(Can.)

any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada), if the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

Application
of s. 150 (1)
(n.o)

(3) Clauses *n* and *o* of subsection 1 of section 150 do not apply in respect of a corporation to which this section applies.

Other
investments
“basket
clause”

17d.—(1) A loan corporation designated as a mortgage investment company may, subject to this section, make investments and loans not authorized by sections 17b, 17c and 150, including investments in real estate or leaseholds.

Production
of income

(2) Investments in real estate or leaseholds in Canada made under subsection 1 shall be made only for the production of income, and may be made either alone or jointly with any corporation incorporated in Canada or any person administering a trust governed by a registered pension plan or deferred profit sharing plan as those plans are defined in the *Income Tax Act* (Canada); and the company may hold, maintain, improve, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds.

1970-71, c. 63
(Can.)

Saving

(3) This section shall be deemed not to,

(a) enlarge the authority conferred by section 150 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds; or

(b) affect the operation of section 157 with reference to the maximum proportion of common shares and total shares of any corporation that may be purchased.

Limit

(4) Section 151 does not apply in respect of a company to which subsection 1 applies but the total value of the investments made under subsection 1 and held by the company, excluding those that are or at any time since acquisi-

tion have been authorized as investments apart from that subsection, shall not exceed 7 per cent of the book value of the total assets of the company.

17e.—(1) Notwithstanding section 83, the aggregate of the sums of money borrowed by a loan corporation designated as a mortgage investment company and outstanding shall not at any time exceed five times the excess of the book value of the assets of the company over its liabilities, but if at any particular time the book value of the assets of the company in the form of,

- (a) investments in mortgages or hypothecs on residential property as defined in the *Residential Mortgage Financing Act* (Canada) or loans on the security of such property; and
- (b) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

are less than two-thirds of the book value of the assets of the company, the aggregate of the sums of money borrowed by the company and outstanding shall not at that time exceed three times the excess of the book value of the assets of the company over its liabilities.

(2) For the purpose of subsection 1, the principal amount of any charges or liens on the real estate or leaseholds remaining unpaid shall be included in the computation of the sums of money borrowed by the corporation.

17f.—(1) A loan corporation designated as a mortgage investment company shall so manage its affairs that the aggregate of,

- (a) all repayments of principal on mortgages or hypothecs held by it and reasonably expected to be received within the year;
- (b) amounts maturing on its other investments within the year;
- (c) such amount of credit from chartered banks in Canada as is acquired in accordance with conditions imposed by the Superintendent of Insurance; and
- (d) cash on hand or on deposit in a bank or other depository approved by the Superintendent of Insurance,

shall at all times be equal to or in excess of the aggregate of the sum of all mortgage commitments made by it and falling due within the year and the amount of all debt instruments issued by it and maturing within the year.

Meaning of
"within the
year"

Shares are
eligible
investment
R.S.O. 1970,
c. c224

(2) In this section, the expression "within the year" means the twelve-month period following the month in which the calculation is made.

17g. Notwithstanding any provision of *The Insurance Act* or this Act, the shares, debentures and other evidences of indebtedness of a mortgage investment company are an eligible investment for the funds of insurance companies, trust companies and other loan companies governed respectively by those Acts, subject to the provisions of the Acts governing those companies respecting,

- (a) the proportion of the funds of those companies that may be invested at any one time in the common shares of corporations; and
- (b) the proportion of the shares of any corporation that may be purchased by those companies.

Regulations

17h. The Lieutenant Governor in Council may make regulations with respect to loan corporations designated as mortgage investment companies,

- (a) prescribing limitations on their dealings with companies providing investment advice or management services;
- (b) prescribing limitations and restrictions with respect to their purchase or acquisition of assets from or sale of assets to their directors, officers or shareholders;
- (c) providing for their redesignation as loan corporations.

s. 24.
re-enacted

6. Section 24 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

24. In this section and in sections 24b to 24g,

- (a) "Commission" means the Ontario Securities Commission;
- (b) "company" means a body corporate, including a corporation to which this Act applies;
- (c) "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;

(d) “information circular” means the circular referred to in subsection 1 of section 24c;

(e) “proxy” means a completed and executed form of proxy by means of which a shareholder has appointed a person as his nominee to attend and act for him and on his behalf at a meeting of shareholders;

(f) “solicit” and “solicitation” include,

(i) any request for a proxy whether or not accompanied by or included in a form of proxy,

(ii) any request to execute or not to execute a form of proxy or to revoke a proxy,

(iii) the sending or delivery of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and

(iv) the sending or delivery of a form of proxy to a shareholder pursuant to section 24b,

but do not include,

(v) the sending or delivery of a form of proxy to a shareholder in response to an unsolicited request made by him or on his behalf, or

(vi) the performance by any person of ministerial acts or professional services on behalf of a person soliciting a proxy.

24a.—(1) Every shareholder of a corporation, including a Proxies shareholder that is a company, entitled to vote at a meeting of shareholders may by means of a proxy appoint a person, who need not be a shareholder, as his nominee to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

(2) A proxy shall be executed by the shareholder or his ^{Execution and} attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and ceases to be valid one year from its date.

(3) In addition to the requirements, where applicable, of ^{Contents} section 24e, a proxy shall contain the date thereof and the

appointment and name of the nominee and may contain a revocation of a former proxy and restrictions, limitations or instructions as to the manner in which the shares in respect of which the proxy is given are to be voted or that may be necessary to comply with the laws of any jurisdiction in which the shares of the provincial corporation are listed on a stock exchange or a restriction or limitation as to the number of shares in respect of which the proxy is given.

Revocation

(4) In addition to revocation in any other manner permitted by law, a proxy may be revoked by instrument in writing executed by the shareholder or by his attorney authorized in writing or, if the shareholder is a company, under its corporate seal or by an officer or attorney thereof duly authorized, and deposited either at the head office of the corporation at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used or with the chairman of such meeting on the day of the meeting, or adjournment thereof, and upon either of such deposits the proxy is revoked.

**Time limit
for deposit**

(5) The directors may by resolution fix a time not exceeding forty-eight hours, excluding Saturdays and holidays, preceding any meeting or adjourned meeting of shareholders before which time proxies to be used at that meeting must be deposited with the provincial corporation or an agent thereof, and any period of time so fixed shall be specified in the notice calling the meeting or in the information circular relating thereto.

**Mandatory
solicitation
of proxies**

24b.—(1) Subject to section 24d, the management of a corporation shall, concurrently with or prior to giving notice of a meeting of shareholders of the corporation, send by prepaid mail to each shareholder who is entitled to vote at such meeting at his last address as shown on the books of the corporation a form of proxy for use at such meeting that complies with section 24e.

Offence

(2) If the management of a provincial corporation fails to comply with subsection 1, the corporation is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and every director or officer of the corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

**Information
circular**

24c.—(1) Subject to subsection 2 and section 24d, no person shall solicit proxies unless,

- (a) in the case of a solicitation by or on behalf of the management of a corporation, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each shareholder of the corporation whose proxy is solicited at his last address as shown on the books of the corporation; or
- (b) in the case of any other solicitation, the person making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each shareholder of the corporation whose proxy is solicited.

(2) Subsection 1 does not apply to,

Where
subs. 1
does not
apply

- (a) any solicitation, otherwise than by or on behalf of the management of a corporation, where the total number of shareholders whose proxies are solicited is not more than fifteen, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder;
- (b) any solicitation by a person made under section 80 of *The Securities Act*; and
- (c) any solicitation by a person in respect of shares of which he is the beneficial owner.

R.S.O. 1970,
c. 426

(3) A person who fails to comply with subsection 1 is guilty ^{Offence} of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a corporation, every director or officer of such corporation who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(4) A person who effects a solicitation that is subject to ^{Idem} this section by means of a form of proxy, information circular or other communication that contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a like fine.

(5) No person is guilty of an offence under subsection 4 in ^{Saving} respect of any untrue statement of a material fact or omission

to state a material fact in a form of proxy or information circular, if the untruth of such statement or the fact of such omission was not known to the person who effected the solicitation and in the exercise of reasonable diligence could not have been known to such person.

Where
s. 24b and
s. 24c(1),
do not apply

24d.—(1) Section 24b and subsection 1 of section 24c do not apply to a corporation that has fewer than fifteen shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder.

Exemption
orders

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 24b or of subsection 1 of section 24c.

Hearing of
Commission
R.S.O. 1970,
c. 426

(3) Section 5 of *The Securities Act* applies, so far as possible, to hearings of the Commission under this section.

Appeal
from
Commission

(4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Supreme Court, and subsections 2 to 6 of section 29 of *The Securities Act* apply to the appeal.

Special form
of proxy

24e. Where section 24b or 24c is applicable to a solicitation of proxies,

(a) the form of proxy sent to a shareholder by a person soliciting proxies,

(i) shall indicate in bold-face type whether or not the proxy is solicited by or on behalf of the management of the corporation; and

(ii) shall provide a specifically designated blank space for dating the form of proxy;

(b) the form of proxy shall provide means whereby the person whose proxy is solicited is afforded an opportunity to specify that the shares registered in his name shall be voted by the nominee in favour of or against, in accordance with such person's choice, each matter or group of related matters identified therein or in the information circular as intended to be acted upon, other than the election of directors and the appointment of auditors, pro-

vided that a proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by such means if the form of proxy or the information circular states in bold-face type how it is intended to vote the shares represented by the proxy in each such case;

(c) a proxy may confer discretionary authority with respect to,

- (i) amendments or variations to matters identified in the notice of meeting, or
- (ii) other matters which may properly come before the meeting,

provided that,

- (iii) the person by whom or on whose behalf the solicitation is made is not aware a reasonable time prior to the time the solicitation is made that any such amendments, variations or other matters are to be presented for action at the meeting, and
- (iv) a specific statement is made in the information circular or in the form of proxy that the proxy is conferring such discretionary authority;

(d) no proxy shall confer authority,

- (i) to vote for the election of any person as a director of the corporation unless a *bona fide* proposed nominee for such election is named in the information circular, or
- (ii) to vote at any meeting other than the meeting specified in the notice of meeting or any adjournment thereof;

(e) the information circular or form of proxy shall state that the shares represented by the proxy will be voted and that, where the person whose proxy is solicited specifies a choice with respect to any matter to be acted upon under clause *b*, the shares shall, subject to section 24*f*, be voted in accordance with the specifications so made;

(f) the information circular or form of proxy shall indicate in bold-face type that the shareholder

has the right to appoint a person to attend and act for him and on his behalf at the meeting other than the person, if any, designated in the form of proxy, and shall contain instructions as to the manner in which the shareholder may exercise such right; and

- (g) if the form of proxy contains a designation of a named person as nominee, means shall be provided whereby the shareholder may designate in a form of proxy some other person as his nominee for the purpose of subsection 1 of section 24a.

Where vote
by ballot not
required

24f. If the aggregate number of shares represented at a meeting by proxies required to be voted for or against a particular matter or group of matters carries, to the knowledge of the chairman of the meeting, less than 5 per cent of the voting rights attached to the shares entitled to vote and represented at the meeting, the chairman of the meeting has the right not to conduct a vote by way of ballot on any such matter or group of matters unless a poll is demanded at the meeting.

Regulations
re contents
of informa-
tion circular

24g. The Lieutenant Governor in Council may make such regulations respecting the form and content of an information circular as he considers necessary or appropriate in the public interest.

s. 26.
re-enacted

7. Section 26 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

R.S.O. 1970.
c. 89

26.—(1) In this section and in sections 26a to 26f,

- (a) “affiliate” means an affiliated company within the meaning of subsection 3 of section 107 of *The Corporations Act*;
- (b) “associate”, where used to indicate a relationship with any person, means,
 - (i) any company of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
 - (ii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity, or

- (iii) any relative or spouse of such person or any relative of such spouse who in any such case, has the same home as such person;
- (c) “capital security” means any share of any class of shares of a company or any bond, debenture, note or other obligation of a company, whether secured or unsecured;
- (d) “Commission” means the Ontario Securities Commission;
- (e) “company” means a body corporate, including a corporation to which this Act applies;
- (f) “equity share” means any share of any class of shares of a company carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) “insider” or “insider of a company” means,
 - (i) any director or senior officer of a company that has fifteen or more shareholders, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder,
 - (ii) any person who beneficially owns, directly or indirectly, equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding, provided that in computing the percentage of voting rights attached to equity shares owned by an underwriter there shall be excluded any equity shares that have been acquired by him as underwriter in the course of distribution to the public of such shares, but such exclusion ceases to have effect on completion or cessation of the distribution to the public by him, or
 - (iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding;
- (h) “senior officer” means,

R.S.O. 1970.
c. 426

- (i) the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for the company similar to those normally performed by an individual occupying any such office, and
- (ii) each of the five highest paid employees of a company, including any individual referred to in subclause i;

Idem

- (i) "underwriter" has the same meaning as in *The Securities Act*.
- (2) For the purposes of this section and sections 26a to 26f,
 - (a) every director or senior officer of a company that is itself an insider of another company shall be deemed to be an insider of such other company;
 - (b) an individual shall be deemed to own beneficially capital securities beneficially owned by a company controlled by him or by an affiliate of such company;
 - (c) a company shall be deemed to own beneficially capital securities beneficially owned by its affiliates; and
 - (d) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a capital security shall be deemed a change in the beneficial ownership of the capital security to which such transferable option relates.

Report

26a.—(1) A person who becomes an insider of a corporation shall, within ten days after the end of the month in which he becomes an insider, file with the Commission a report, as of the day on which he became an insider, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

Idem

(2) If a person who is an insider of a corporation, but has no direct or indirect beneficial ownership of or control or direction over capital securities of the corporation, acquires direct or indirect beneficial ownership of or control or direction over any such securities, he shall, within ten days after the end of the month in which he acquired such direct or indirect beneficial ownership or such control

or direction, file with the Commission a report, as of the date of such acquisition, of his direct or indirect beneficial ownership of or control or direction over capital securities of the corporation.

(3) A person who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over capital securities of the corporation changes from that shown or required to be shown in such report or in the last report filed by him under this subsection shall, within ten days following the end of the month in which such change takes place, provided that he was an insider of the corporation at any time during such month, file with the Commission a report of his direct or indirect beneficial ownership of or his control or direction over capital securities of the corporation at the end of such month and the change or changes therein that occurred during the month, and giving such details of each transaction as may be required by the regulations made under section 26f.

26b.—(1) All reports filed with the Commission under section 26a or any predecessor thereof shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

(2) The Commission shall summarize in or as part of a monthly periodical for distribution to the public on payment of a reasonable fee therefor the information contained in reports so filed.

26c.—(1) Every person who is required to file a report under section 26a or any predecessor thereof and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a like fine.

(2) Every person who files a report under section 26a^{Idem} or any predecessor thereof that is false or misleading by reason of the misstatement or omission of a material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where such person is a company, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a like fine.

Saving (3) No person is guilty of an offence under subsection 2 if he did not know and in the exercise of reasonable diligence could not have known that the report was false or misleading by reason of the misstatement or omission of a material fact.

Consent to prosecute (4) No prosecution shall be brought under subsection 1 or 2 without the consent of the Commission.

Liability of insiders 26d.—(1) Every insider of a corporation or associate or affiliate of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of such transaction, unless such information was known or ought reasonably to have been known to such person at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction.

Limitation period (2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.

Order to commence action 26e.—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 26d or is at the time of the application an owner of capital securities of the corporation, a judge of the High Court designated by the Chief Justice of the High Court may, if satisfied that,

(a) such person has reasonable grounds for believing that the corporation has a cause of action under section 26d; and

(b) either,

(i) the corporation has refused or failed to commence an action under section 26d within sixty days after receipt of a written request from such person so to do, or

(ii) the corporation has failed to prosecute diligently an action commenced by it under section 26d,

make an order, upon such terms as to security for costs and otherwise as to the judge seems fit, requiring the Commission to commence or continue an action in the name of and on behalf of the corporation to enforce the liability created by section 26d.

(2) The corporation and the Commission shall be given notice of any application under subsection 1 and shall have the right to appear and be heard thereon.^{Notice to corporation and O.S.C.}

(3) Every order made under subsection 1 shall provide that the corporation shall co-operate fully with the Commission in the institution and prosecution of such action and shall make available to the Commission all books, records, documents and other material or information known to the corporation or reasonably ascertainable by the corporation relevant to such action.^{Order to require corporation to co-operate}

(4) An appeal lies to the Court of Appeal from an order made under subsection 1.^{Appeal}

26f. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form and content of the reports required to be filed under section 26a;
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of sections 26 to 26e.

8. Subsection 2 of section 35 of the said Act, as amended by s. 35 (2),
the Statutes of Ontario, 1971, chapter 98, section 4, is
repealed and the following substituted therefor:

(2) No person is qualified to be a director unless he is of the full age of eighteen years and he is a shareholder holding, in his own right, shares of the corporation in respect of which, either,^{Qualifications of directors}

- (a) at least \$1,000 has been paid in; or
- (b) at the time of purchase had a market value of at least \$2,500,

and he is not in arrears in respect of any call thereon.^{s. 65 (1-3), re-enacted}

9. Subsections 1, 2 and 3 of section 65 of the said Act are repealed and the following substituted therefor:^{s. 65 (1-3), re-enacted}

Increase or
decrease of
capital

(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital and, where the corporation has been registered under this Act for a continuous period of five years, for the increase of its capital by authorizing no par value shares.

Contents of
by-law

(2) The by-laws shall state the number, class and par value of shares with par value and for shares without par value the stated amount as consideration for which such shares might be issued, by which the capital is so increased or decreased.

Conversion

(3) The directors may by by-law provide upon the terms therein stated for the conversion of partly paid-up shares into paid-up shares, for subdividing shares, altering the par value of shares, and subject to section 65a for the conversion of its shares.

ss. 65a, 65b,
enacted

10. The said Act is further amended by adding thereto the following sections:

Conversion of
par shares to
par shares

65a.—(1) The by-laws of a corporation may provide for the conversion of shares with par value into other shares with par value provided that the aggregate par value of the shares being converted is equal to the aggregate par value of the shares into which they are converted.

Par shares to
no par shares

(2) Where, in accordance with the by-laws, shares with par value are converted into shares without par value the issued capital of the corporation attributable to the shares resulting from the conversion shall be equal to the aggregate par value of the shares converted.

No par shares
to par shares

(3) Where the by-laws provide for the conversion of shares without par value into shares with par value, no such shares shall be converted unless that part of the issued capital attributable to the shares being converted is equal to the aggregate par value of the shares resulting from the conversion.

Issued capital;
par value
shares how
expressed

65b.—(1) Where all the shares of a corporation are with par value, its issued capital shall be expressed in Canadian currency, and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

No par value
shares how
expressed

(2) Where the shares of a corporation are without par value or where part of the shares of a corporation are

with par value and part are without par value, its issued capital shall be expressed in Canadian currency, and in an amount equal to the total of the products of the number of issued shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the corporation may be transferred thereto and less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

- 11.** The said Act is further amended by adding thereto the ^{s. 66a,} _{enacted} following section:

66a.—(1) Any person, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, or its transfer agent to furnish within ten days from the filing of the affidavit a list setting out the names alphabetically arranged of all persons who are shareholders of the corporation, the number of shares owned by each such person and the address of each such person as shown on the records of the corporation made up to a date not more than ten days before the date of filing the affidavit.

Where list of
shareholders
to be
furnished

(2) The affidavit referred to in subsection 1 shall be made ^{Form of} _{affidavit} by the applicant and shall be in the following form:

FORM OF AFFIDAVIT

Province of Ontario
County of

In the Matter of
(Insert name of corporation)

I, of the of

in the of

make oath and say:

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I hereby apply for a list of the shareholders of the above-named corporation.
2. I require the list of shareholders only for purposes connected with the above-named corporation.
3. The list of shareholders and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Idem, where
applicant
a body
corporate

Use
of list

(3) Where the applicant is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate.

(4) No person shall use a list of all or any of the shareholders of a corporation obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities other than the securities of the corporation; or

(b) for any purpose not connected with the corporation.

Furnishing
list

(5) Every corporation or transfer agent shall furnish a list in accordance with subsection 1 when so required.

Purposes
connected
with
corporation
defined

(6) Purposes connected with the corporation include any effort to influence the voting of shareholders at any meeting thereof, any offer to acquire shares in the corporation or any effort to effect an amalgamation or reorganization.

s. 106 (1),
re-enacted

12. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

Power to
unite with
other cor-
porations and
to purchase
or sell assets

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or, subject to subsection 3 of section 116, with those of any trust company in Canada, or may purchase the assets of any other loan corporation in Canada, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase.

s. 107 (3),
amended

13. Subsection 3 of section 107 of the said Act is amended by inserting after "par value" in the sixth line "if any".

s. 116 (2, 3),
re-enacted

14. Subsections 2 and 3 of section 116 of the said Act are repealed and the following substituted therefor:

Power of
trust
companies to
unite with
other cor-
porations and
to purchase
or sell assets

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any loan corporation or trust

company in Canada, or may purchase the assets of any corporation in Canada or may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 106 and sections 107 to 114, apply, *mutatis mutandis*, thereto.

(3) In any case of a union, merger, amalgamation or consolidation of a trust company with a loan corporation or a purchase of assets of a loan corporation by a trust company, the new, continuing or purchasing corporation, as the case may be, shall be a trust company, and it shall forthwith earmark and set aside in respect of any debentures and deposits of the loan corporation, securities, or cash and securities, equal to the full aggregate amount of such debentures and deposits, and for the purpose of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities.

15. Subsection 6 of section 137 of the said Act is repealed. s. 137 (6),
repealed

16. Clause *d* of subsection 3 of section 150 of the said Act is s. 150 (3) (d),
re-enacted repealed and the following substituted therefor:

(*d*) real estate or leaseholds in Canada or in any country in which the corporation is carrying on business, notwithstanding that the loan exceeds the amount that the corporation is otherwise authorized to lend, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situate or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act*, or similar legislation of any province or territory of Canada; and

R.S.C. 1970,
c.c. I-15, I-16

R.S.O. 1970,
c. 224

s. 152,
amended

17. Section 152 of the said Act is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:

(*f*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

s. 155.
amended

18. Section 155 of the said Act is amended by striking out “or” at the end of clause *e*, by adding “or” at the end of clause *f*, and by adding thereto the following clause:

(*g*) any company incorporated to provide financing by mortgage or otherwise on real property in the course of construction,

s. 162,
amended

19. Section 162 of the said Act is amended by striking out “paid up” in the fourth line.

s. 163 (3) (*e*),
amended

20.—(1) Clause *e* of subsection 3 of section 163 of the said Act is amended by striking out “manager” in the first line and inserting in lieu thereof “general manager”.

s. 163 (6) (*b*),
amended

(2) Clause *b* of subsection 6 of the said section 163 is amended by striking out “150, 151, 153 and 154” in the second and third lines and inserting in lieu thereof “106, 115, 116, 117, 150, 151, 152, 153, 154 and 155”.

s. 177 (1),
amended

21. Subsection 1 of section 177 of the said Act is amended by striking out “not less than \$20 and not more than \$200” in the fourth line and inserting in lieu thereof “not more than \$2,000” and by striking out “\$1,000” in the eighth line and inserting in lieu thereof “\$25,000”.

s. 178 (1),
amended

22. Subsection 1 of section 178 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 23, is amended by adding thereto the following clauses:

(*c*) respecting the records, papers and documents to be retained by corporations and the length of time they shall be so retained;

(*d*) requiring the disclosure to borrowers of terms and conditions of loans, mortgages and interest rates in lending transactions and prescribing the form thereof.

- 23.**—(1) This Act, except section 5, comes into force on the day ^{commencement} it receives Royal Assent.
- (2) Section 5 comes into force on a day to be named by ^{Idem} the Lieutenant Governor by his proclamation.
- 24.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1973.* ^{Short title}

BILL 233

An Act to amend
The Loan and Trust Corporations
Act

1st Reading

November 16th, 1973

2nd Reading

November 20th, 1973

3rd Reading

November 23rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CAZON
XB
-B56

BILL 234

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Medical Act

THE HON. R. T. POTTER
Minister of Health



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment provides for the appointment by the Lieutenant Governor in Council of three members of the general public to the Council of The College of Physicians and Surgeons of Ontario.

Subsection 2. The subsection now provides that every appointed member of the Council must be a legally qualified medical practitioner resident in Ontario.

The re-enacted subsection refers only to those members of the Council chosen by the universities and other bodies conducting degree courses in medicine.

SECTION 2. The amendment is complementary to the amendments to section 3 of the Act.

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

BILL 234

1973

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Medical Act*, being chapter 268 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

4. Three persons who are not members of the College or trained in the practice of medicine or registered under any Act governing a health discipline to be appointed by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

(3) Every member of the Council chosen under paragraph 2 of subsection 1 shall be a legally qualified medical practitioner resident in Ontario. Members representing universities, etc., to be practitioners

2. Subsection 1 of section 4 of the said Act is amended by inserting after “Health” in the second line “and the members of the Council appointed by the Lieutenant Governor in Council”.

3. The said Act is amended by adding thereto the following section:

12a.—(1) The Council shall establish and appoint a fitness to practise committee and may establish such other committees as the Council from time to time considers necessary. Establishment of practise and other committees

(2) The Council may give the Medical Review Committee established under *The Health Insurance Act, 1972* such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act. Medical Review Committee 1972, c. 91

4. The said Act is further amended by adding thereto the following section:

Compilation
of statistical
information

21a. The Council may by by-law,

- (a) provide for the collection and compilation of statistics as to the supply, distribution and professional activities of members of the College in Ontario; and
- (b) require the members of the College to provide the information necessary to compile the statistics mentioned in clause a.

ss. 35, 36,
re-enacted

5. Sections 35 and 36 of the said Act are repealed and the following substituted therefor:

Discipline
committee

35.—(1) The Council shall establish and appoint a discipline committee.

Composition
of
committee

(2) The discipline committee shall be composed of ten members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council.

Chairman

(3) The Council shall appoint one of the members of the discipline committee to be chairman.

Composition
of panels

(4) The chairman of the discipline committee may assign a panel of five members of the committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum
and votes

(5) Three members, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum of a panel assigned under subsection 4 for a hearing and all disciplinary decisions require the vote of a majority of members presiding at the hearing.

Interpre-
tation

36.—(1) In this section,

(a) “board of inquiry” means a board of inquiry appointed by the executive committee under subsection 2;

(b) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate

SECTION 5. In section 35 of the Act the composition of the discipline committee of the Council is enlarged from five to ten members and two of the three members of the Council who are members of the general public must be among the ten members of the committee.

The present section 36 of the Act provides for notice to the registrar where a registered medical practitioner becomes mentally incompetent and for the suspension of the registration of the practitioner.

The new section 36 provides a procedure by which the College may make inquiry and hold a hearing to determine whether a member is suffering from a physical or mental condition that affects his fitness to practise and for preventing, suspending or restricting the practice of an incapacitated member. The procedural and appeal provisions of the Act that relate to the discipline committee are made applicable to the proceedings of the fitness to practise committee under this section except that, notwithstanding that an appeal is taken from its decision, a decision of the fitness to practise committee is effective immediately.

and report to the executive committee who may, upon notice to the member, appoint a board of inquiry composed of at least three members of the College who shall inquire into the matter.

(3) The board of inquiry may require the member to submit to physical or mental examination by the board or by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his registration be suspended until he complies.

(4) The board of inquiry shall report its findings to the executive committee and if, in the opinion of the executive committee, the evidence so warrants, the executive committee shall refer the matter to the fitness to practise committee to hold a hearing and may suspend the member's registration under this Act until the determination of the question of his capacity becomes final.

(5) The College, the person whose capacity is being investigated and any other person specified by the fitness to practise committee are parties to the hearing.

(6) A legally qualified medical practitioner is not compelled to produce at the hearing his case histories, notes or any other records constituting medical evidence but shall, when required, prepare a report containing the medical facts, findings, conclusions and treatment and such report purporting to be signed by him is receivable in evidence without proof of its making or of the signature if the report is served upon the person about whom the report is made at least five days before its introduction as evidence and subject to the right of the person about whom the report is made to have summoned and to cross-examine the medical practitioner on the contents of his report.

(7) The fitness to practise committee shall, after the hearing,

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order direct the registrar to,
 - (i) erase the name of the member,
 - (ii) suspend his registration for such period as the committee considers appropriate, or

(iii) transfer the member's registration to the Special Register with such restrictions and conditions as the committee may designate, and direct that the member discontinue the use of any specialty designation.

Procedures

(8) The provisions of sections 38, 39 and 43 applying to proceedings of the discipline committee on hearings and appeals therefrom apply *mutatis mutandis* to proceedings of the fitness to practise committee under this section except that, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

s. 37,
amended

6. Section 37 of the said Act is amended by adding thereto the following subsection:

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the discipline committee shall be held *in camera* but if the person whose conduct is being investigated requests otherwise by a notice delivered to the registrar before the day fixed for the hearing, the committee may conduct the hearing in public or otherwise as it considers proper.

ss. 37a, 37b,
enacted

7. The said Act is further amended by adding thereto the following sections:

Investigation
of members

37a.—(1) Where the registrar believes on reasonable and probable grounds that a member has committed an act of professional misconduct or incompetence, the registrar may, with the approval of the executive committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the registrar.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part 11 of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

SECTION 6. The amendment follows the recommendation contained at pages 1197-8 of Volume 3 of the report of the Royal Commission Inquiry into Civil Rights.

SECTION 7. The new sections *37a* and *37b* of the Act provide a procedure for investigations into the professional conduct or competence of members of the College.

(3) No person shall obstruct a person appointed to make ^{of} Obstruction of investigation under this section or withhold from him or investigator conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

(4) Where a provincial judge is satisfied, upon an *ex Search warrant parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section ^{Removal of books, etc.} may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

(6) Any copy made as provided in subsection 5 and ^{Admissibility of copies} certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

(7) The registrar shall report the results of the in-^{Report of registrar} vestigation to the Council or the executive committee or to such other committee as he considers appropriate.

37b.—(1) Every person employed in the administration ^{Matters confidential} of this Act, including any person making an inquiry or investigation under section 37a and any member of the Council or a committee, shall preserve secrecy with respect

to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 37a and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act; or
- (b) as may be required for the enforcement of *The Health Insurance Act, 1972*; or
- (c) to his counsel; or
- (d) with the consent of the person to whom the information relates.

Testimony
in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act.

Commencement

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Medical Amendment Act, 1973*.

BILL 254

An Act to amend
The Medical Act

1st Reading

November 16th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(*Government Bill*)

CAZON
XB
-B 56

Government
Publications,

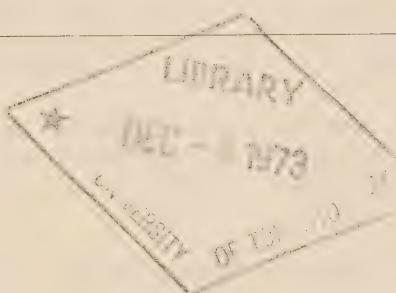
Government Bill

BILL 234

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Medical Act

THE HON. R. T. POTTER
Minister of Health



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment provides for the appointment by the Lieutenant Governor in Council of three members of the general public to the Council of The College of Physicians and Surgeons of Ontario.

Subsection 2. The subsection refers to those members of the Council chosen by the universities and other bodies conducting degree courses in medicine.

SECTION 2. The amendment is complementary to the amendments to section 3 of the Act.

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

BILL 234

1973

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Medical Act*, being chapter 268 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

4. Three persons who are not members of the College or trained in the practice of medicine or registered under any Act governing a health discipline to be appointed by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

~~(3)~~ Every member of the Council chosen under paragraph 2 of subsection 1 need not be a legally qualified medical practitioner resident in Ontario.

Members representing universities, etc., need not be practitioners

2. Subsection 1 of section 4 of the said Act is amended by inserting after “Health” in the second line “and the members of the Council appointed by the Lieutenant Governor in Council”.

3. The said Act is amended by adding thereto the following section:

12a.—(1) The Council shall establish and appoint a fitness to practise committee and may establish such other committees as the Council from time to time considers necessary.

Establishment of fitness to practise and other committees

(2) The Council may give the Medical Review Committee established under *The Health Insurance Act*, 1972 such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act.

4. The said Act is further amended by adding thereto the following section:

Compilation
of statistical
information

21a. The Council may by by-law,

- (a) provide for the collection and compilation of statistics as to the supply, distribution and professional activities of members of the College in Ontario; and
- (b) require the members of the College to provide the information necessary to compile the statistics mentioned in clause a.

ss. 35, 36,
re-enacted

5. Sections 35 and 36 of the said Act are repealed and the following substituted therefor:

Discipline
committee

35.—(1) The Council shall establish and appoint a discipline committee.

Composition
of committee

(2) The discipline committee shall be composed of ten members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council.

Chairman

(3) The Council shall appoint one of the members of the discipline committee to be chairman.

Composition
of panels

(4) The chairman of the discipline committee may assign a panel of five members of the committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum
and votes

(5) Three members, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum of a panel assigned under subsection 4 for a hearing and all disciplinary decisions require the vote of a majority of members presiding at the hearing.

Interpre-
tation

36.—(1) In this section,

(a) “board of inquiry” means a board of inquiry appointed by the executive committee under subsection 2;

(b) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate

SECTION 5. In section 35 of the Act the composition of the discipline committee of the Council is enlarged from five to ten members and two of the three members of the Council who are members of the general public must be among the ten members of the committee.

The present section 36 of the Act provides for notice to the registrar where a registered medical practitioner becomes mentally incompetent and for the suspension of the registration of the practitioner.

The new section 36 provides a procedure by which the College may make inquiry and hold a hearing to determine whether a member is suffering from a physical or mental condition that affects his fitness to practise and for preventing, suspending or restricting the practice of an incapacitated member. The procedural and appeal provisions of the Act that relate to the discipline committee are made applicable to the proceedings of the fitness to practise committee under this section except that, notwithstanding that an appeal is taken from its decision, a decision of the fitness to practise committee is effective immediately.

and report to the executive committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed by the Lieutenant Governor in Council who shall inquire into the matter.

(3) The board of inquiry may require the member to submit to physical or mental examination by the board or by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his registration be suspended until he complies.

(4) The board of inquiry shall report its findings to the executive committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the executive committee, the evidence so warrants, the executive committee shall refer the matter to the fitness to practise committee to hold a hearing and may suspend the member's registration under this Act until the determination of the question of his capacity becomes final.

(5) The College, the person whose capacity is being investigated and any other person specified by the fitness to practise committee are parties to the hearing.

 (6) A legally qualified medical practitioner is not compelled to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings,

(a) where the evidence is required by the College, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.



Powers of
fitness to
practise
committee

(7) The fitness to practise committee shall, after the hearing,

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order direct the registrar to,
 - (i) erase the name of the member,
 - (ii) suspend his registration for such period as the committee considers appropriate, or
 - (iii) transfer the member's registration to the Special Register with such restrictions and conditions as the committee may designate, and direct that the member discontinue the use of any specialty designation.

Procedures

(8) The provisions of sections 38, 39 and 43 applying to proceedings of the discipline committee on hearings and appeals therefrom apply *mutatis mutandis* to proceedings of the fitness to practise committee under this section except that, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

s. 37.
amended

6. Section 37 of the said Act is amended by adding thereto the following subsection:

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the discipline committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed;
or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

ss. 37a, 37b,
enacted

7. The said Act is further amended by adding thereto the following sections:

Investigation
of members

37a.—(1) Where the registrar believes on reasonable and probable grounds that a member has committed an act

SECTION 6. The amendment follows the recommendation contained at pages 1197-8 of Volume 3 of the report of the Royal Commission Inquiry into Civil Rights.

SECTION 7. The new sections *37a* and *37b* of the Act provide a procedure for investigations into the professional conduct or competence of members of the College.

of professional misconduct or incompetence, the registrar may, with the approval of the executive committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the registrar.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part 11 of *The Public Inquiries Act, 1971*,^{1971, c. 49} which Part applies to such inquiry as if it were an inquiry under that Act.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation

for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of registrar

(7) The registrar shall report the results of the investigation to the Council or the executive committee or to such other committee as he considers appropriate.

Matters confidential

37b.—(1) Every person employed in the administration of this Act, including any person making an inquiry or investigation under section 37a and any member of the Council or a committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 37a and shall not communicate any such matters to any other person except,

1972, c. 91

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act; or

(b) as may be required for the enforcement of *The Health Insurance Act, 1972*; or

(c) to his counsel; or

(d) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act.

Commencement

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Medical Amendment Act, 1973*.

An Act to amend
The Medical Act

1st Reading

November 16th, 1973

2nd Reading

November 19th, 1973

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Reprinted as amended by the
Committee of the Whole House)

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Government
Publications

BILL 234

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Medical Act

THE HON. R. T. POTTER
Minister of Health



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 234

1973

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Medical Act*, being <sup>s. 3 (1),
amended</sup> chapter 268 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

4. Three persons who are not members of the College or trained in the practice of medicine or registered under any Act governing a health discipline to be appointed by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 3 is repealed and the <sup>s. 3 (3),
re-enacted</sup> following substituted therefor:

(3) Every member of the Council chosen under paragraph 2 of subsection 1 need not be a legally qualified medical practitioner resident in Ontario. Members representing universities, etc., need not be practitioners

2. Subsection 1 of section 4 of the said Act is amended by <sup>s. 4 (1),
amended</sup> inserting after "Health" in the second line "and the members of the Council appointed by the Lieutenant Governor in Council".

3. The said Act is amended by adding thereto the following <sup>s. 12a,
enacted</sup> section:

12a.—(1) The Council shall establish and appoint a fitness to practise committee and may establish such other committees as the Council from time to time considers necessary. Establishment of fitness to practise and other committees

(2) The Council may give the Medical Review Committee ^{Medical Review Committee} established under *The Health Insurance Act, 1972* such other duties as the Council considers appropriate and that ^{1972, c. 91} are not inconsistent with its duties under that Act.

4. The said Act is further amended by adding thereto the <sup>s. 21a,
enacted</sup> following section:

Compilation
of statistical
information

21a. The Council may by by-law,

- (a) provide for the collection and compilation of statistics as to the supply, distribution and professional activities of members of the College in Ontario; and
- (b) require the members of the College to provide the information necessary to compile the statistics mentioned in clause a.

ss. 35, 36,
re-enacted

5. Sections 35 and 36 of the said Act are repealed and the following substituted therefor:

Discipline
committee

35.—(1) The Council shall establish and appoint a discipline committee.

Composition
of
committee

(2) The discipline committee shall be composed of ten members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council.

Chairman

(3) The Council shall appoint one of the members of the discipline committee to be chairman.

Composition
of panels

(4) The chairman of the discipline committee may assign a panel of five members of the committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum
and votes

(5) Three members, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum of a panel assigned under subsection 4 for a hearing and all disciplinary decisions require the vote of a majority of members presiding at the hearing.

Interpre-
tation

36.—(1) In this section,

- (a) “board of inquiry” means a board of inquiry appointed by the executive committee under subsection 2;
- (b) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate

and report to the executive committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed by the Lieutenant Governor in Council who shall inquire into the matter.

(3) The board of inquiry may require the member to submit to physical or mental examination by the board or by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his registration be suspended until he complies.

(4) The board of inquiry shall report its findings to the executive committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the executive committee, the evidence so warrants, the executive committee shall refer the matter to the fitness to practise committee to hold a hearing and may suspend the member's registration under this Act until the determination of the question of his capacity becomes final.

(5) The College, the person whose capacity is being investigated and any other person specified by the fitness to practise committee are parties to the hearing.

(6) A legally qualified medical practitioner is not compelled to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings.

(a) where the evidence is required by the College, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of
fitness to
practise
committee

(7) The fitness to practise committee shall, after the hearing,

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order direct the registrar to,
 - (i) erase the name of the member,
 - (ii) suspend his registration for such period as the committee considers appropriate, or
 - (iii) transfer the member's registration to the Special Register with such restrictions and conditions as the committee may designate, and direct that the member discontinue the use of any specialty designation.

Procedures

(8) The provisions of sections 38, 39 and 43 applying to proceedings of the discipline committee on hearings and appeals therefrom apply *mutatis mutandis* to proceedings of the fitness to practise committee under this section except that, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

s. 37,
amended

6. Section 37 of the said Act is amended by adding thereto the following subsection:

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the discipline committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

ss. 37a, 37b,
enacted

7. The said Act is further amended by adding thereto the following sections:

Investigation
of members

37a.—(1) Where the registrar believes on reasonable and probable grounds that a member has committed an act

of professional misconduct or incompetence, the registrar may, with the approval of the executive committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the registrar.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part 11 of *The Public Inquiries Act, 1971*,^{1971, c. 49} which Part applies to such inquiry as if it were an inquiry under that Act.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation

for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of registrar

(7) The registrar shall report the results of the investigation to the Council or the executive committee or to such other committee as he considers appropriate.

Matters confidential

37b.—(1) Every person employed in the administration of this Act, including any person making an inquiry or investigation under section 37a and any member of the Council or a committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 37a and shall not communicate any such matters to any other person except,

1972, c. 91

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act; or

(b) as may be required for the enforcement of *The Health Insurance Act, 1972*; or

(c) to his counsel; or

(d) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act.

Commencement

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Medical Amendment Act, 1973*.

BILL 254

An Act to amend
The Medical Act

1st Reading

November 16th, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 23rd, 1973

THE HON. R. T. POTTER
Minister of Health

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Government
Publications

BILL 235

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Health Act

THE HON. R. T. POTTER
Minister of Health



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendments are complementary to new section 45d (2a) of the Act which provides for the licensing of specimen collection centres.

SECTION 2. The amendment of the Director's title is complementary to new section 45d (2a) of the Act.

BILL 235

1973

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 45 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:
 - (a) “Director” means the Director of Laboratory and Specimen Collection Centre Licensing appointed under section 45*a*.
- (2) Clause *d* of the said section 45 is amended by adding at the end thereof “or a specimen collection centre”.
- (3) The said section 45 is amended by adding thereto the following clause:
 - (*fa*) “specimen collection centre” means a place where specimens are taken or collected from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, but does not include a place where a legally qualified medical practitioner is engaged in the practice of medicine or surgery or a laboratory that is established, operated or maintained under a licence under this Act.

2. Section 45*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

45*a*. The Minister shall appoint an officer of the Ministry Director to be the Director of Laboratory and Specimen Collection Centre Licensing for purposes of sections 45 to 45*n*.

s. 45d (1),
amended

3.—(1) Subsection 1 of section 45d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “tests” in the fifth line “or such tests within a class or classes of tests”.

s. 45d,
amended

(2) The said section 45d is amended by adding thereto the following subsections:

Licence
required for
specimen
collection
centre

(2a) No person shall establish, operate or maintain a specimen collection centre except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a specimen collection centre to take or collect such specimens or class or classes of specimens and subject to such conditions as the Director may specify in the licence.

Issuance
of licence
for specimen
collection
centre

(2b) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a specimen collection centre and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

Where
proposal not
in public
interest

(2c) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory or specimen collection centre, as the case may be, in the area where the applicant proposes to establish, operate or maintain the laboratory or specimen collection centre, section 45f shall not apply and the Director shall not issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister’s statement.

Idem

(2d) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence,

(a) in the case of a laboratory, for any of such classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or

(b) in the case of a specimen collection centre, to take or collect such specimens or class or classes of

SECTION 3.—Subsection 1. The amendment permits the issuance of a laboratory licence limited to the performance of tests within a specified class or classes of tests.

Subsection 2. New subsections 2a and 2b of section 45d of the Act require and provide for the licensing of specimen collection centres. New subsections 2c, 2d and 2e of section 45d of the Act provide for:

1. The refusal of a laboratory licence or a specimen collection centre licence where it is not in the public interest to permit the establishment, operation or maintenance of a laboratory or a specimen collection centre in a particular area.
2. A limitation on the type of tests that the operator of a laboratory may be authorized to perform or the type of specimen that a specimen collection centre operator may be authorized to take or collect, where it is in the public interest to set such a limitation.
3. The matters to be taken into account by the Minister in considering whether a refusal or limitation is in the public interest.

specimens in respect of which the application is made,

sections 45e and 45f shall not apply, and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall not be for such classes of tests or such tests within a class or classes of tests or for taking or collecting such specimens or class or classes of specimens as are set out in the Minister's statement.

(2e) In considering,

Matters to
be considered
by Minister

(a) under subsection 2c, whether it is in the public interest to issue a licence,

(i) to establish, operate or maintain a laboratory in an area, or

(ii) to establish, operate or maintain a specimen collection centre in an area; or

(b) under subsection 2d, whether it is in the public interest,

(i) in the case of a laboratory, to limit the classes of tests or the tests within a class or classes of tests, or

(ii) in the case of a specimen collection centre, to limit the specimens or class or classes of specimens,

in respect of which the Director may issue a licence to the applicant,

the Minister shall take into account,

(c) the number of laboratories or specimen collection centres, as the case requires, that operate under the authority of licences issued under this Act,

(i) in the area, or

(ii) in the area and any other area;

(d) the number of laboratories or specimen collection centres, as the case requires, operated by a Ministry or Ministries of the Crown,

- (i) in the area, or
- (ii) in the area and any other area;
- (e) the tests and classes of tests performed in the laboratories or the specimens or class or classes of specimens taken or collected in the specimen collection centres, as the case requires,
- (i) in the area, or
- (ii) in the area and any other area;
- (f) the utilization of existing laboratories or specimen collection centres, as the case requires, and their capacity to handle increased volume;
- (g) the availability of facilities for the transportation of persons and specimens to laboratories or for the transportation of persons to specimen collection centres, as the case requires,
- (i) in the area, or
- (ii) in the area and any other area; or
- (h) the funds available to provide payment for laboratory tests that are insured services under *The Health Insurance Act, 1972.*
- 1972, c. 91
- s. 45d (3)(a),
repealed
- (3) Clause *a* of subsection 3 of the said section 45d is repealed.
- s. 45d (3)(b),
amended
- (4) Clause *b* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the fourth line "or specimen collection centre".
- s. 45d (3)(c),
amended
- (5) Clause *c* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the first line "or specimen collection centre".
- s. 45d (3)(d),
amended
- (6) Clause *d* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the second line "or specimen collection centre, as the case requires".
- s. 45d (3)(e),
amended
- (7) Clause *e* of subsection 3 of the said section 45d is amended by inserting after "tests" in the second line "or the taking or collecting of the specimens".
- s. 45d (4),
repealed
- (8) Subsection 4 of the said section 45d is repealed.

Subsection 3. Complementary to new subsections *2c*, *2d* and *2e* of section *45d* of the Act.

Subsections 4–7. Complementary to new section *45d (2a)* of the Act.

Subsection 8. Complementary to new subsections *2c*, *2d* and *2e* of section *45d* of the Act and to subsection 3 of this section of the Bill.

Subsections 9–15. Complementary to new section 45d (2a) of the Act.

SECTION 4.—Subsection 1. The amendment is for the purpose of clarification.

Subsection 2. The new section 45j (2) is complementary to section 45d (2a) of the Act and is a provision related to specimen collection centres that is parallel to that provided for laboratories by section 45j of the Act.

SECTION 5. The new section 45k (2) provides control of advertising by specimen collection centres parallel to that provided for laboratories by section 45k of the Act.

- (9) Subsection 5 of the said section 45d is amended by <sup>s. 45d (5),
amended</sup> adding at the end thereof "or specimen collection centre".
- (10) Subsection 8 of the said section 45d is amended by <sup>s. 45d (8),
amended</sup> inserting after "laboratory" in the second line "or specimen collection centre".
- (11) Subsection 9 of the said section 45d is amended by <sup>s. 45d (9),
amended</sup> inserting after "laboratory" in the second line and in the fourth line "or specimen collection centre".
- (12) Clause *a* of subsection 11 of the said section 45d is <sup>s. 45d (11) (a),
amended</sup> amended by adding at the end thereof "or specimen collection centre".
- (13) Subsection 11 of the said section 45d is amended by <sup>s. 45d (11),
amended</sup> adding thereto the following clause:
- (ba) any specimen taking or collecting authorized by the licence is incompetently carried out.
- (14) Clause *e* of subsection 11 of the said section 45d is <sup>s. 45d (11) (e),
amended</sup> amended by inserting after "laboratory" in the second line "or specimen collection centre".
- (15) Clause *f* of subsection 11 of the said section 45d is <sup>s. 45d (11) (f),
amended</sup> amended by inserting after "laboratory" in the third line "or specimen collection centre".
- 4.—(1)** Section 45j of the said Act, as enacted by the Statutes <sup>s. 45j,
amended</sup> of Ontario, 1972, chapter 80, section 4, is amended by inserting after "operator" in the first line "of a laboratory".
- (2) The said section 45j is further amended by adding thereto <sup>s. 45j,
amended</sup> the following subsection:
- (2) Every owner and operator of a specimen collection centre shall ensure that no specimen taking or collecting is carried out in the specimen collection centre other than specimen taking or collecting authorized by the licence, and no person employed in the specimen collection centre shall knowingly participate in such specimen taking or collecting.
- 5.** Section 45k of the said Act, as enacted by the Statutes <sup>s. 45k,
amended</sup> of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following subsection:

Idem

(2) No person shall advertise or cause to be advertised the services of a specimen collection centre, but any person may notify such classes of persons as are specified by the regulations respecting,

- (a) the name and address of the specimen collection centre;
- (b) employees of the specimen collection centre and the specimens or class or classes of specimens that are authorized to be taken or collected under the specimen collection centre licence;
- (c) the equipment, premises, procedures and tariff of the specimen collection centre;
- (d) information as to new specimen taking or collecting provided.

s. 45*l* (3),
amended

6.—(1) Subsection 3 of section 45*l* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “laboratories” in the third line “and specimen collection centres”.

s. 45*l*,
amended

(2) The said section 45*l* is amended by adding thereto the following subsection:

Idem

(3a) Where an inspector has reasonable and probable grounds to believe that any institution, building or place is being used as a laboratory or specimen collection centre without being licensed under this Act, the inspector at any reasonable time may enter the institution, building or place to make an inspection for the purpose of determining whether or not any person is in contravention of subsection 1 or 2a of section 45*d*.

s. 45*n*,
amended

7.—(1) Section 45*n* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following clauses:

- (da) respecting the staff and employees of specimen collection centres and respecting the duties, responsibilities and qualifications of the staff and employees of specimen collection centres;
- (ea) prescribing the classes of persons who may take or collect specimens in a specimen collection centre.

SECTION 6.—Subsection 1. Complementary to new section 45d (2a) of the Act.

Subsection 2. Self-explanatory.

SECTION 7. The authority to make regulations is amended to provide for regulations in respect of specimen collection centres.

- (2) Clause *f* of the said section 45*n* is amended by inserting after "laboratories" in the second line "or specimen collection centres".^{s. 45n (f), amended}
- (3) Clause *g* of the said section 45*n* is amended by inserting after "laboratories" in each instance where it occurs in the second line "and specimen collection centres".^{s. 45n (g), amended}
- (4) Clause *h* of the said section 45*n* is amended by inserting after "laboratories" in the first line "and specimen collection centres".^{s. 45n (h), amended}
- (5) Clause *k* of the said section 45*n* is amended by striking out "or any class thereof" in the first line and inserting in lieu thereof "or specimen collection centres or any class of either of them".^{s. 45n (k), amended}
- (6) Clause *m* of the said section 45*n* is amended by adding at the end thereof "and specimen collection centres".^{s. 45n (m), amended}
- 8.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.^{Commencement}
- 9.** This Act may be cited as *The Public Health Amendment Act, 1973.*^{Short title}

An Act to amend
The Public Health Act

1st Reading

November 16th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(*Government Bill*)

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BILL 235

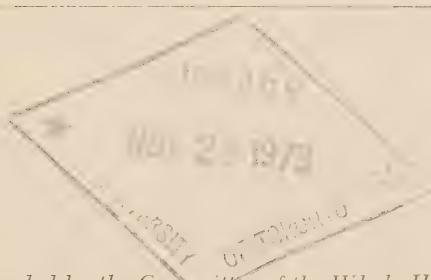
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Health Act

THE HON. R. T. POTTER
Minister of Health

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendments are complementary to new section 45d (2a) of the Act which provides for the licensing of specimen collection centres.

SECTION 2. The amendment of the Director's title is complementary to new section 45d (2a) of the Act.

BILL 235

1973

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 45 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:
 - (a) “Director” means the Director of Laboratory and Specimen Collection Centre Licensing appointed under section 45*a*.
- (2) Clause *d* of the said section 45 is amended by adding at the end thereof “or a specimen collection centre”.
- (3) The said section 45 is amended by adding thereto the following clause:
 - (*fa*) “specimen collection centre” means a place where specimens are taken or collected from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, but does not include a place where a legally qualified medical practitioner is engaged in the practice of medicine or surgery or a laboratory that is established, operated or maintained under a licence under this Act.

2. Section 45*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

45*a*. The Minister shall appoint an officer of the Ministry <sup>s. 45a.
re-enacted</sup> Director to be the Director of Laboratory and Specimen Collection Centre Licensing for purposes of sections 45 to 45*n*.

- s. 45d (1), amended
- 3.—(1)** Subsection 1 of section 45d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “tests” in the fifth line “or such tests within a class or classes of tests”.
- s. 45d, amended
- (2)** The said section 45d is amended by adding thereto the following subsections:
- Licence required for specimen collection centre
- (2a)** No person shall establish, operate or maintain a specimen collection centre except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a specimen collection centre to take or collect such specimens or class or classes of specimens and subject to such conditions as the Director may specify in the licence.
- Issuance of licence for specimen collection centre
- (2b)** Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a specimen collection centre and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.
- Where proposal not in public interest
- (2c)** Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory or specimen collection centre, as the case may be, in the area where the applicant proposes to establish, operate or maintain the laboratory or specimen collection centre, section 45f shall not apply and the Director shall not issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister’s statement.
- Idem
- (2d)** Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence,
- (a)** in the case of a laboratory, for any of such classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or
 - (b)** in the case of a specimen collection centre, to take or collect such specimens or class or classes of

SECTION 3.—Subsection 1. The amendment permits the issuance of a laboratory licence limited to the performance of tests within a specified class or classes of tests.

Subsection 2. New subsections *2a* and *2b* of section *45d* of the Act require and provide for the licensing of specimen collection centres. New subsections *2c*, *2d* and *2e* of section *45d* of the Act provide for:

1. The refusal of a laboratory licence or a specimen collection centre licence where it is not in the public interest to permit the establishment, operation or maintenance of a laboratory or a specimen collection centre in a particular area.
2. A limitation on the type of tests that the operator of a laboratory may be authorized to perform or the type of specimen that a specimen collection centre operator may be authorized to take or collect, where it is in the public interest to set such a limitation.
3. The matters to be taken into account by the Minister in considering whether a refusal or limitation is in the public interest.

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specimens in respect of which the application is made,

sections 45e and 45f shall not apply, and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall not be for such classes of tests or such tests within a class or classes of tests or for taking or collecting such specimens or class or classes of specimens as are set out in the Minister's statement.

(2e) In considering,

Matters to
be considered
by Minister

(a) under subsection 2c, whether it is in the public interest to issue a licence,

(i) to establish, operate or maintain a laboratory in an area, or

(ii) to establish, operate or maintain a specimen collection centre in an area; or

(b) under subsection 2d, whether it is in the public interest,

(i) in the case of a laboratory, to limit the classes of tests or the tests within a class or classes of tests, or

(ii) in the case of a specimen collection centre, to limit the specimens or class or classes of specimens,

in respect of which the Director may issue a licence to the applicant,

the Minister shall take into account,

(c) the number of laboratories or specimen collection centres, as the case requires, that operate under the authority of licences issued under this Act,

(i) in the area, or

(ii) in the area and any other area;

(d) the number of laboratories or specimen collection centres, as the case requires, operated by a Ministry or Ministries of the Crown,

- (i) in the area, or
- (ii) in the area and any other area;
- (e) the tests and classes of tests performed in the laboratories or the specimens or class or classes of specimens taken or collected in the specimen collection centres, as the case requires,
- (i) in the area, or
- (ii) in the area and any other area;
- (f) the utilization of existing laboratories or specimen collection centres, as the case requires, and their capacity to handle increased volume;
- (g) the availability of facilities for the transportation of persons and specimens to laboratories or for the transportation of persons to specimen collection centres, as the case requires,
- (i) in the area, or
- (ii) in the area and any other area; or
- (h) the funds available to provide payment for laboratory tests that are insured services under *The Health Insurance Act, 1972.*
- 1972, c. 91
- s. 45d (3)(a),
repealed
- (3) Clause *a* of subsection 3 of the said section 45d is repealed.
- s. 45d (3)(b),
amended
- (4) Clause *b* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the fourth line "or specimen collection centre".
- s. 45d (3)(c),
amended
- (5) Clause *c* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the first line "or specimen collection centre".
- s. 45d (3)(d),
amended
- (6) Clause *d* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the second line "or specimen collection centre, as the case requires".
- s. 45d (3)(e),
amended
- (7) Clause *e* of subsection 3 of the said section 45d is amended by inserting after "tests" in the second line "or the taking or collecting of the specimens".
- s. 45d (4),
repealed
- (8) Subsection 4 of the said section 45d is repealed.

Subsection 3. Complementary to new subsections 2c, 2d and 2e of section 45d of the Act.

Subsections 4–7. Complementary to new section 45d (2a) of the Act.

Subsection 8. Complementary to new subsections 2c, 2d and 2e of section 45d of the Act and to subsection 3 of this section of the Bill.

Subsections 9–15. Complementary to new section 45d (2a) of the Act.

SECTION 4.—Subsection 1. The amendment is for the purpose of clarification.

Subsection 2. The new section 45j (2) is complementary to section 45d (2a) of the Act and is a provision related to specimen collection centres that is parallel to that provided for laboratories by section 45j of the Act.

SECTION 5. The new section 45k (2) provides control of advertising by specimen collection centres parallel to that provided for laboratories by section 45k of the Act.

- (9) Subsection 5 of the said section 45d is amended by ^{s. 45d (5).}_{amended} adding at the end thereof "or specimen collection centre".
- (10) Subsection 8 of the said section 45d is amended by ^{s. 45d (8).}_{amended} inserting after "laboratory" in the second line "or specimen collection centre".
- (11) Subsection 9 of the said section 45d is amended by ^{s. 45d (9).}_{amended} inserting after "laboratory" in the second line and in the fourth line "or specimen collection centre".
- (12) Clause *a* of subsection 11 of the said section 45d is ^{s. 45d (11) (a).}_{amended} amended by adding at the end thereof "or specimen collection centre".
- (13) Subsection 11 of the said section 45d is amended by ^{s. 45d (11).}_{amended} adding thereto the following clause:
- (ba) any specimen taking or collecting authorized by the licence is incompetently carried out.
- (14) Clause *e* of subsection 11 of the said section 45d is ^{s. 45d (11) (e).}_{amended} amended by inserting after "laboratory" in the second line "or specimen collection centre".
- (15) Clause *f* of subsection 11 of the said section 45d is ^{s. 45d (11) (f).}_{amended} amended by inserting after "laboratory" in the third line "or specimen collection centre".

4.—(1) Section 45j of the said Act, as enacted by the Statutes ^{s. 45j.}_{amended} of Ontario, 1972, chapter 80, section 4, is amended by inserting after "operator" in the first line "of a laboratory".

(2) The said section 45j is further amended by adding thereto ^{s. 45j.}_{amended} the following subsection:

(2) Every owner and operator of a specimen collection centre shall ensure that no specimen taking or collecting ^{Specimen taking or collecting permitted} is carried out in the specimen collection centre other than specimen taking or collecting authorized by the licence, and no person employed in the specimen collection centre shall knowingly participate in such specimen taking or collecting.

5. Section 45k of the said Act, as enacted by the Statutes of ^{s. 45k.}_{amended} Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following subsection:

Idem

(2) No person shall advertise or cause to be advertised the services of a specimen collection centre, but any person may notify such classes of persons as are specified by the regulations respecting,

- (a) the name and address of the specimen collection centre;
- (b) employees of the specimen collection centre and the specimens or class or classes of specimens that are authorized to be taken or collected under the specimen collection centre licence;
- (c) the equipment, premises, procedures and tariff of the specimen collection centre;
- (d) information as to new specimen taking or collecting provided.

s. 45l (3),
amended

6.—(1) Subsection 3 of section 45l of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “laboratories” in the third line “and specimen collection centres”.

s. 45l,
amended

(2) The said section 45l is amended by adding thereto the following subsection:

Idem

(3a) Where the Director has reasonable and probable grounds to believe that any institution, building or place other than a private dwelling is being used as a laboratory or specimen collection centre without being licensed under this Act, the Director may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of subsection 1 or 2a of section 45d.

s. 45n,
amended

7.—(1) Section 45n of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following clauses:

(da) respecting the staff and employees of specimen collection centres and respecting the duties, responsibilities and qualifications of the staff and employees of specimen collection centres;

(ea) prescribing the classes of persons who may take or collect specimens in a specimen collection centre.

SECTION 6.—Subsection 1. Complementary to new section 45d (2a) of the Act.

Subsection 2. Self-explanatory.

SECTION 7. The authority to make regulations is amended to provide for regulations in respect of specimen collection centres.

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- (2) Clause *f* of the said section 45*n* is amended by inserting after "laboratories" in the second line "or specimen collection centres".^{s. 45n (f), amended}
- (3) Clause *g* of the said section 45*n* is amended by inserting after "laboratories" in each instance where it occurs in the second line "and specimen collection centres".^{s. 45n (g), amended}
- (4) Clause *h* of the said section 45*n* is amended by inserting after "laboratories" in the first line "and specimen collection centres".^{s. 45n (h), amended}
- (5) Clause *k* of the said section 45*n* is amended by striking out "or any class thereof" in the first line and inserting in lieu thereof "or specimen collection centres or any class of either of them".^{s. 45n (k), amended}
- (6) Clause *m* of the said section 45*n* is amended by adding at the end thereof "and specimen collection centres".^{s. 45n (m), amended}
- 8.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.^{Commencement}
- 9.** This Act may be cited as *The Public Health Amendment Act, 1973*.^{Short title}

An Act to amend
The Public Health Act

1st Reading

November 16th, 1973

2nd Reading

November 21st, 1973

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Reprinted as amended by the
Committee of the Whole House)

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BILL 235

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Health Act

THE HON. R. T. POTTER
Minister of Health



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 235**1973**

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 45 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

(*a*) “Director” means the Director of Laboratory and Specimen Collection Centre Licensing appointed under section 45*a*.

(2) Clause *d* of the said section 45 is amended by adding at the end thereof “or a specimen collection centre”.

(3) The said section 45 is amended by adding thereto the following clause:

(*fa*) “specimen collection centre” means a place where specimens are taken or collected from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, but does not include a place where a legally qualified medical practitioner is engaged in the practice of medicine or surgery or a laboratory that is established, operated or maintained under a licence under this Act.

2. Section 45*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

45*a*. The Minister shall appoint an officer of the Ministry to be the Director of Laboratory and Specimen Collection Centre Licensing for purposes of sections 45 to 45*n*.

s. 45d (1),
amended

3.—(1) Subsection 1 of section 45d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “tests” in the fifth line “or such tests within a class or classes of tests”.

s. 45d,
amended

(2) The said section 45d is amended by adding thereto the following subsections:

Licence
required for
specimen
collection
centre

(2a) No person shall establish, operate or maintain a specimen collection centre except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a specimen collection centre to take or collect such specimens or class or classes of specimens and subject to such conditions as the Director may specify in the licence.

Issuance
of licence
for specimen
collection
centre

(2b) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a specimen collection centre and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

Where
proposal not
in public
interest

(2c) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory or specimen collection centre, as the case may be, in the area where the applicant proposes to establish, operate or maintain the laboratory or specimen collection centre, section 45f shall not apply and the Director shall not issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

Idem

(2d) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence,

(a) in the case of a laboratory, for any of such classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or

(b) in the case of a specimen collection centre, to take or collect such specimens or class or classes of

specimens in respect of which the application is made,

sections 45e and 45f shall not apply, and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall not be for such classes of tests or such tests within a class or classes of tests or for taking or collecting such specimens or class or classes of specimens as are set out in the Minister's statement.

(2e) In considering,

Matters to
be considered
by Minister

(a) under subsection 2c, whether it is in the public interest to issue a licence,

- (i) to establish, operate or maintain a laboratory in an area, or
- (ii) to establish, operate or maintain a specimen collection centre in an area; or

(b) under subsection 2d, whether it is in the public interest,

- (i) in the case of a laboratory, to limit the classes of tests or the tests within a class or classes of tests, or
- (ii) in the case of a specimen collection centre, to limit the specimens or class or classes of specimens,

in respect of which the Director may issue a licence to the applicant,

the Minister shall take into account,

(c) the number of laboratories or specimen collection centres, as the case requires, that operate under the authority of licences issued under this Act,

- (i) in the area, or
- (ii) in the area and any other area;

(d) the number of laboratories or specimen collection centres, as the case requires, operated by a Ministry or Ministries of the Crown,

- (i) in the area, or
- (ii) in the area and any other area;
- (e) the tests and classes of tests performed in the laboratories or the specimens or class or classes of specimens taken or collected in the specimen collection centres, as the case requires,
- (i) in the area, or
- (ii) in the area and any other area;
- (f) the utilization of existing laboratories or specimen collection centres, as the case requires, and their capacity to handle increased volume;
- (g) the availability of facilities for the transportation of persons and specimens to laboratories or for the transportation of persons to specimen collection centres, as the case requires,
- (i) in the area, or
- (ii) in the area and any other area; or
- (h) the funds available to provide payment for laboratory tests that are insured services under *The Health Insurance Act, 1972.*
1972. c. 91
- s. 45d (3)(a),
repealed
- (3) Clause *a* of subsection 3 of the said section 45d is repealed.
- s. 45d (3)(b),
amended
- (4) Clause *b* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the fourth line "or specimen collection centre".
- s. 45d (3)(c),
amended
- (5) Clause *c* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the first line "or specimen collection centre".
- s. 45d (3)(d),
amended
- (6) Clause *d* of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the second line "or specimen collection centre, as the case requires".
- s. 45d (3)(e),
amended
- (7) Clause *e* of subsection 3 of the said section 45d is amended by inserting after "tests" in the second line "or the taking or collecting of the specimens".
- s. 45d (4),
repealed
- (8) Subsection 4 of the said section 45d is repealed.

- (9) Subsection 5 of the said section 45d is amended by <sup>s. 45d (5),
amended</sup> adding at the end thereof "or specimen collection centre".
- (10) Subsection 8 of the said section 45d is amended by <sup>s. 45d (8),
amended</sup> inserting after "laboratory" in the second line "or specimen collection centre".
- (11) Subsection 9 of the said section 45d is amended by <sup>s. 45d (9),
amended</sup> inserting after "laboratory" in the second line and in the fourth line "or specimen collection centre".
- (12) Clause *a* of subsection 11 of the said section 45d is <sup>s. 45d (11) (a),
amended</sup> amended by adding at the end thereof "or specimen collection centre".
- (13) Subsection 11 of the said section 45d is amended by <sup>s. 45d (11),
amended</sup> adding thereto the following clause:
 - (ba) any specimen taking or collecting authorized by the licence is incompetently carried out.
- (14) Clause *e* of subsection 11 of the said section 45d is <sup>s. 45d (11) (e),
amended</sup> amended by inserting after "laboratory" in the second line "or specimen collection centre".
- (15) Clause *f* of subsection 11 of the said section 45d is <sup>s. 45d (11) (f),
amended</sup> amended by inserting after "laboratory" in the third line "or specimen collection centre".

- 4.—(1)** Section 45j of the said Act, as enacted by the Statutes <sup>s. 45j,
amended</sup> of Ontario, 1972, chapter 80, section 4, is amended by inserting after "operator" in the first line "of a laboratory".
- (2) The said section 45j is further amended by adding thereto <sup>s. 45j,
amended</sup> the following subsection:
- (2) Every owner and operator of a specimen collection centre shall ensure that no specimen taking or collecting <sup>Specimen
taking or
collecting
permitted</sup> is carried out in the specimen collection centre other than specimen taking or collecting authorized by the licence, and no person employed in the specimen collection centre shall knowingly participate in such specimen taking or collecting.

- 5.** Section 45k of the said Act, as enacted by the Statutes <sup>s. 45k,
amended</sup> of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following subsection:

Idem

(2) No person shall advertise or cause to be advertised the services of a specimen collection centre, but any person may notify such classes of persons as are specified by the regulations respecting,

- (a) the name and address of the specimen collection centre;
- (b) employees of the specimen collection centre and the specimens or class or classes of specimens that are authorized to be taken or collected under the specimen collection centre licence;
- (c) the equipment, premises, procedures and tariff of the specimen collection centre;
- (d) information as to new specimen taking or collecting provided.

s. 45l (3),
amended

6.—(1) Subsection 3 of section 45l of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “laboratories” in the third line “and specimen collection centres”.

s. 45l,
amended

(2) The said section 45l is amended by adding thereto the following subsection:

Idem

(3a) Where the Director has reasonable and probable grounds to believe that any institution, building or place other than a private dwelling is being used as a laboratory or specimen collection centre without being licensed under this Act, the Director may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of subsection 1 or 2a of section 45d.

s. 45n,
amended

7.—(1) Section 45n of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following clauses:

- (da) respecting the staff and employees of specimen collection centres and respecting the duties, responsibilities and qualifications of the staff and employees of specimen collection centres;
- (ea) prescribing the classes of persons who may take or collect specimens in a specimen collection centre.

- (2) Clause *f* of the said section 45*n* is amended by inserting after "laboratories" in the second line "or specimen collection centres".
- (3) Clause *g* of the said section 45*n* is amended by inserting after "laboratories" in each instance where it occurs in the second line "and specimen collection centres".
- (4) Clause *h* of the said section 45*n* is amended by inserting after "laboratories" in the first line "and specimen collection centres".
- (5) Clause *k* of the said section 45*n* is amended by striking out "or any class thereof" in the first line and inserting in lieu thereof "or specimen collection centres or any class of either of them".
- (6) Clause *m* of the said section 45*n* is amended by adding at the end thereof "and specimen collection centres".
- 8.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- 9.** This Act may be cited as *The Public Health Amendment Act, 1973*.

BILL 235

An Act to amend
The Public Health Act

1st Reading

November 16th, 1973

2nd Reading

November 21st, 1973

3rd Reading

November 23rd, 1973

THE HON. R. T. POTTER
Minister of Health

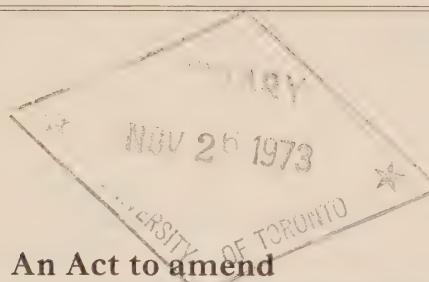
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Publications

BILL 236

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend
The Osgoode Hall Law School Scholarships Act, 1968-69

THE HON. J. McNIE
Minister of Colleges and Universities

EXPLANATORY NOTE

The amendment is to make it clear that The Honourable Mr. Justice F. H. Barlow Scholarship in Commercial Law is to be awarded to a student to pursue postgraduate studies in law rather than constituting a prize.

BILL 236**1973**

**An Act to amend
The Osgoode Hall Law School Scholarships
Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Osgoode Hall Law School Scholarships Act, 1968-69*, being chapter 90, as amended by the Statutes of Ontario, 1972, chapter 70, section 1, is further amended by striking out "student ranking highest" in the eighth and ninth lines and inserting in lieu thereof "highest ranking student" and by inserting after "Senate" in the eleventh line "who wishes to pursue postgraduate study in law".
2. Section 15 of the said Act, as amended by section 1 of this ^{Application of s. 15} Act, applies in respect of the scholarship awarded in the year 1973 and subsequent years.
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Osgoode Hall Law School Scholarships Amendment Act, 1973*. ^{Short title}

An Act to amend
The Osgoode Hall Law School
Scholarships Act, 1968-69

1st Reading

November 20th, 1973

2nd Reading

3rd Reading

THE HON. J. McNIE
Minister of Colleges and
Universities

(*Government Bill*)

CAZON
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-B 56

BILL 236

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Osgoode Hall Law School Scholarships Act, 1968-69

THE HON. J. McNIE
Minister of Colleges and Universities



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 236**1973**

**An Act to amend
The Osgoode Hall Law School Scholarships
Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Osgoode Hall Law School Scholarships Act, 1968-69*, being chapter 90, as amended by the Statutes of Ontario, 1972, chapter 70, section 1, is further amended by striking out "student ranking highest" in the eighth and ninth lines and inserting in lieu thereof "highest ranking student" and by inserting after "Senate" in the eleventh line "who wishes to pursue postgraduate study in law".
2. Section 15 of the said Act, as amended by section 1 of this ^{Application of s. 15} Act, applies in respect of the scholarship awarded in the year 1973 and subsequent years.
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Osgoode Hall Law School Scholarships Amendment Act, 1973*. ^{Short title}

An Act to amend
The Osgoode Hall Law School
Scholarships Act, 1968-69

1st Reading

November 20th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

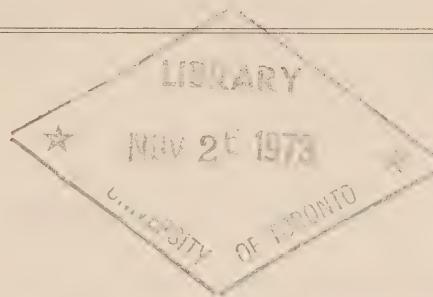
THE HON. J. McNIE
Minister of Colleges and
Universities

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BILL 237

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Public Libraries Act

THE HON. J. McNIE
Minister of Colleges and Universities

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Regulations affecting public libraries are no longer made under *The Ministry of Education Act* and reference thereto is deleted from the definition of "regulations" for the purposes of the Act.

SECTION 2. Section 10 which disqualifies a member of a library board who has a pecuniary interest in a contract with the board or a pecuniary claim against the board is repealed. This matter is now dealt with by disclosure under *The Municipal Conflict of Interest Act, 1972*.

BILL 237**1973****An Act to amend The Public Libraries Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act*, being chapter <sup>s. 1 (e),
amended</sup> 381 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 17, is further amended by striking out “or *The Ministry of Education Act*” in the second line and in the amendment of 1972.
2. Section 10 of the said Act is repealed. <sup>s. 10,
repealed</sup>
- 3.—(1) This Act, except section 2, comes into force on the day it ^{commencement} receives Royal Assent.
 (2) Section 2 shall be deemed to have come into force on ^{Idem} the 17th day of January, 1973.
4. This Act may be cited as *The Public Libraries Amendment Act, 1973*. ^{Short title}

An Act to amend
The Public Libraries Act

1st Reading

November 20th, 1973

2nd Reading

3rd Reading

THE HON. J. McNIE
Minister of Colleges and
Universities

(*Government Bill*)

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-B 56

BILL 237

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Libraries Act



THE HON. J. McNIE
Minister of Colleges and Universities

TORONTO

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BILL 237**1973****An Act to amend The Public Libraries Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act*, being chapter 381 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 17, is further amended by striking out “or *The Ministry of Education Act*” in the second line and in the amendment of 1972. s. 1(e),
amended
2. Section 10 of the said Act is repealed. s. 10,
repealed
- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement
 - (2) Section 2 shall be deemed to have come into force on Idem the 17th day of January, 1973.
4. This Act may be cited as *The Public Libraries Amendment Act, 1973*. Short title

BILL 231

An Act to amend
The Public Libraries Act

1st Reading

November 20th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. J. McNIE
Minister of Colleges and
Universities

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BILL 238

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Financial Administration Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Subsection 1 of section 12 of the Act now provides that for efficient management of public moneys the Treasurer may purchase securities issued by any province of Canada, Canada, the United Kingdom, the United States of America, the International Board for Reconstruction and Development, and certain instruments endorsed by chartered banks to which the *Bank Act* (Canada) applies. The amendment will permit the Treasurer to purchase such other securities as may be approved by the Lieutenant Governor in Council.

SECTION 2. The new section 33a will permit the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs to borrow by way of bank loan, subject to the approval of the Lieutenant Governor in Council, an amount not exceeding at any one time \$50,000,000. This amount will be in addition to any amounts authorized to be borrowed under this or any other Act.

BILL 238**1973**

**An Act to amend
The Financial Administration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:
 - (e) such other securities as may from time to time be authorized by the Lieutenant Governor in Council.
2. The said Act is amended by adding thereto the following section:

33a.—(1) In addition to all moneys authorized to be raised by way of loan by this or any other Act, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may borrow from time to time for any of the following purposes,

 - (a) to discharge any indebtedness or obligation of Ontario;
 - (b) to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund;
 - (c) to reimburse the Consolidated Revenue Fund for any moneys expended for any such purposes,

by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, such sums not exceeding at any one time \$50,000,000, as the Treasurer considers necessary, either by way of bank overdraft or loan or in any other manner whatsoever.

Execution of
instruments

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 may be executed by the Treasurer in such manner as the Treasurer may determine.

s. 34 (2).
re-enacted

3. Subsection 2 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 55, section 5, is repealed and the following substituted therefor:

Authority
to sell
treasury bills

(2) Notwithstanding any other provisions of this Act, where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of interest bearing treasury bills or non-interest bearing treasury bills, the Lieutenant Governor in Council may authorize the Treasurer,

(a) to determine the date of the issue and the date of maturity thereof, the rate of interest, if any, and the dates of repayment of interest, if any;

(b) to sell any of such treasury bills for such price or prices and upon such terms and conditions as the Treasurer in his discretion may from time to time consider necessary; and

(c) to issue and sell any of such treasury bills from time to time as may be subsequently required for the purposes provided in section 32, on the terms and in the manner provided herein without further authorization or approval of the Lieutenant Governor in Council.

Determina-
tion of
conditions of
issue by
Treasurer,
etc.,
authorized

(3) Notwithstanding any other provision of this Act, where an issue of securities is authorized, the Lieutenant Governor in Council may authorize the Treasurer, the Deputy Treasurer or other officer of the Ministry of Treasury, Economics and Intergovernmental Affairs,

(a) to enter into an agreement on behalf of Ontario providing for the sale of such securities in a principal amount not exceeding an amount authorized by the Lieutenant Governor in Council;

(b) to determine the rate or rates of interest, not exceeding the maximum rate or rates of interest authorized by the Lieutenant Governor in Council; and

(c) to sell such securities for such price or prices, not less than the minimum price or prices author-

SECTION 3. At present *The Financial Administration Act* provides that, with the approval of the Lieutenant Governor in Council, the Treasurer may issue and sell securities for the purpose of refunding or renewing securities which have matured, provided the refunding or renewing is done within one year of maturity. The Treasurer is also authorized to issue and sell treasury bills which normally have a ninety-day term. In order to refund these treasury bills, approval of the Lieutenant Governor in Council is required each time. The amendment will allow the Treasurer to refund or renew treasury bills as they become due without further authorization of the Lieutenant Governor in Council.

In addition, the amendment will allow the Treasurer or other officer of the Ministry of Treasury, Economics and Intergovernmental Affairs, with the approval of the Lieutenant Governor in Council, to negotiate the underwriting agreement and the terms and conditions for the issue and sale of securities within the parameters established by the Lieutenant Governor in Council.

ized by the Lieutenant Governor in Council and upon such other terms and conditions as may be considered necessary.

4. This Act comes into force on the day it receives Royal Assent.^{Commencement}
5. This Act may be cited as *The Financial Administration Short title Amendment Act, 1973.*

BILL 238

An Act to amend
The Financial Administration Act

1st Reading

November 21st, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

~~CAZON~~ *Legislative Assembly*
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BILL 238

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Financial Administration Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 238

1973

**An Act to amend
The Financial Administration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:

(e) such other securities as may from time to time be authorized by the Lieutenant Governor in Council.

2. The said Act is amended by adding thereto the following section:

33a.—(1) In addition to all moneys authorized to be raised by way of loan by this or any other Act, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may borrow from time to time for any of the following purposes,

(a) to discharge any indebtedness or obligation of Ontario;

(b) to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund;

(c) to reimburse the Consolidated Revenue Fund for any moneys expended for any such purposes,

by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, such sums not exceeding at any one time \$50,000,000, as the Treasurer considers necessary, either by way of bank overdraft or loan or in any other manner whatsoever.

Execution of
instruments

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 may be executed by the Treasurer in such manner as the Treasurer may determine.

s. 34 (2),
re-enacted

3. Subsection 2 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 55, section 5, is repealed and the following substituted therefor:

Authority
to sell
treasury bills

(2) Notwithstanding any other provisions of this Act, where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of interest bearing treasury bills or non-interest bearing treasury bills, the Lieutenant Governor in Council may authorize the Treasurer,

(a) to determine the date of the issue and the date of maturity thereof, the rate of interest, if any, and the dates of repayment of interest, if any;

(b) to sell any of such treasury bills for such price or prices and upon such terms and conditions as the Treasurer in his discretion may from time to time consider necessary; and

(c) to issue and sell any of such treasury bills from time to time as may be subsequently required for the purposes provided in section 32, on the terms and in the manner provided herein without further authorization or approval of the Lieutenant Governor in Council.

Determina-
tion of
conditions of
issue by
Treasurer,
etc.,
authorized

(3) Notwithstanding any other provision of this Act, where an issue of securities is authorized, the Lieutenant Governor in Council may authorize the Treasurer, the Deputy Treasurer or other officer of the Ministry of Treasury, Economics and Intergovernmental Affairs,

(a) to enter into an agreement on behalf of Ontario providing for the sale of such securities in a principal amount not exceeding an amount authorized by the Lieutenant Governor in Council;

(b) to determine the rate or rates of interest, not exceeding the maximum rate or rates of interest authorized by the Lieutenant Governor in Council; and

(c) to sell such securities for such price or prices, not less than the minimum price or prices author-

ized by the Lieutenant Governor in Council and upon such other terms and conditions as may be considered necessary.

4. This Act comes into force on the day it receives Royal Assent.^{Commencement}
5. This Act may be cited as *The Financial Administration Amendment Act, 1973.*^{Short title}

An Act to amend
The Financial Administration Act

1st Reading

November 21st, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 4th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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BILL 239

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Niagara Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

BILL 239

1973

**An Act to amend
The Regional Municipality of Niagara Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Regional Municipality of Niagara Act*,<sup>s. 26,
amended</sup> being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

2. Section 88 of the said Act is amended by adding thereto<sup>s. 88,
amended</sup> the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

3. The said Act is amended by adding thereto the following<sup>s. 92a,
enacted</sup> section:

92a.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

(2) The land division committee referred to in subsection 1 stands in the place and stead of any committee of adjustment established by an area municipality for the pur-

Land division
committee
to stand in
place of
committees
of adjustment
for certain
purposes

pose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

s. 112 (1),
amended

- 4.** Subsection 1 of section 112 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 54, section 6, is further amended by striking out "subsection 5" in the said amendment of 1973 and inserting in lieu thereof "subsections 5 and 11a".

s. 119 (16),
re-enacted

- 5.** Subsection 16 of section 119 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 154 (1),
amended

- 6.** Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14, is amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

s. 156,
amended

- 7.** Section 156 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

Commencement

- 8.—(1)** This Act, except sections 1 and 4, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1 and 4 shall be deemed to have come into force on the 1st day of January, 1969.

Short title

- 9.** This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1973 (No. 2)*.

SECTION 4. Complementary to section 1 of the Bill.

SECTION 5. Subsection 16 of section 119 of the Act now provides for a penalty of half of 1 per cent for each month an area municipality is late in paying its Regional levy. The amendment gives discretion to the Regional Council to fix the interest at any rate up to 12 per cent per annum.

SECTION 6. The Regional Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

SECTION 7. The amendment removes the annual limitation on the moneys the Regional Corporation may expend on diffusing promotional information.

BILL 239

An Act to amend
The Regional Municipality of
Niagara Act

1st Reading

November 21st, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

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Government
Publications

BILL 239

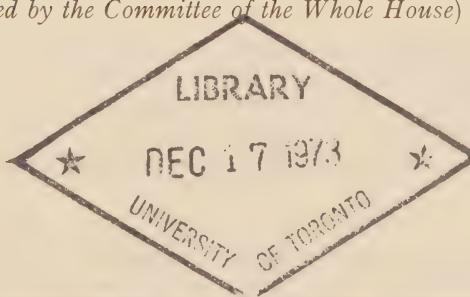
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Niagara Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

BILL 239**1973**

**An Act to amend
The Regional Municipality of Niagara Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Regional Municipality of Niagara Act*, ^{s. 26,} amended being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

2. Section 88 of the said Act is amended by adding thereto ^{s. 88,} amended the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

3. The said Act is amended by adding thereto the following ^{s. 92a,} enacted section:

92a.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such

persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

R.S.O. 1970,
c. 349

Land
division
committee
to stand in
place of
committees of
adjustment
for certain
purposes

Committee
to consult
with council

s. 112 (1),
amended

s. 119 (16),
re-enacted

Default

s. 154 (1),
amended

s. 156,
amended

Commencement

Idem

Short title

(3) The land division committee referred to in subsection 2 stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate. 

4. Subsection 1 of section 112 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 54, section 6, is further amended by striking out "subsection 5" in the said amendment of 1973 and inserting in lieu thereof "subsections 5 and 11a".

5. Subsection 16 of section 119 of the said Act is repealed and the following substituted therefor:

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

6. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14, is amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

7. Section 156 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

8.—(1) This Act, except sections 1 and 4, comes into force on the day it receives Royal Assent.

(2) Sections 1 and 4 shall be deemed to have come into force on the 1st day of January, 1969.

9. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1973 (No. 2)*.

SECTION 4. Complementary to section 1 of the Bill.

SECTION 5. Subsection 16 of section 119 of the Act now provides for a penalty of half of 1 per cent for each month an area municipality is late in paying its Regional levy. The amendment gives discretion to the Regional Council to fix the interest at any rate up to 12 per cent per annum.

SECTION 6. The Regional Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

SECTION 7. The amendment removes the annual limitation on the moneys the Regional Corporation may expend on diffusing promotional information.

BILL 239

An Act to amend
The Regional Municipality of
Niagara Act

1st Reading

November 21st, 1973

2nd Reading

December 4th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Reprinted as amended by the
Committee of the Whole House)

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BILL 239

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Niagara Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 239**1973**

**An Act to amend
The Regional Municipality of Niagara Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Regional Municipality of Niagara Act*,^{s. 26, amended} being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(11a) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

2. Section 88 of the said Act is amended by adding thereto^{s. 88, amended} the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

3. The said Act is amended by adding thereto the following^{s. 92a, enacted} section:

92a.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of *The Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such

R.S.O. 1970,
c. 349

Land
division
committee
to stand in
place of
committees of
adjustment
for certain
purposes

Committee
to consult
with council

s. 112 (1),
amended

s. 119 (16),
re-enacted

Default

s. 154 (1),
amended

s. 156,
amended

Commencement

Idem

Short title

persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

(3) The land division committee referred to in subsection 2 stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate.

4. Subsection 1 of section 112 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 54, section 6, is further amended by striking out "subsection 5" in the said amendment of 1973 and inserting in lieu thereof "subsections 5 and 11a".

5. Subsection 16 of section 119 of the said Act is repealed and the following substituted therefor:

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

6. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14, is amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

7. Section 156 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

8.—(1) This Act, except sections 1 and 4, comes into force on the day it receives Royal Assent.

(2) Sections 1 and 4 shall be deemed to have come into force on the 1st day of January, 1969.

9. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1973 (No. 2)*.

An Act to amend
The Regional Municipality of
Niagara Act

1st Reading

November 21st, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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BILL 240

Government
Publication
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Homemakers and Nurses Services Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definition of "Director" is amended so that more than one director can administer programs under the Act.

SECTION 2. The section as re-enacted will permit homemaker services to be provided on a twenty-four hour basis where necessary.

The amendment also provides an additional situation where homemaker services may be provided.

BILL 240**1973**

**An Act to amend
The Homemakers and Nurses Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *d* of section 1 of *The Homemakers and Nurses Services Act*, being chapter 203 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

- (c) "Director" means a Director appointed for the purposes of this Act;
- (d) "Minister" means the Minister of Community and Social Services.

2. Section 6 of the said Act is repealed and the following substituted therefor:

6. The services of a homemaker may be furnished under ^{s. 6, re-enacted} *Homemakers services* this Act,

(a) for households in which there is a child who might otherwise be cared for in other than his own home during the absence, illness, convalescence or incapacity of his mother or other person in whose charge he is, where an adult is available to furnish any care that the child may require when the homemaker is not on duty; or

(b) for a person who is elderly, handicapped, ill or convalescent, in order that he may remain in his own home; or

(c) for households in which the standard of house-keeping requires improvement to avoid familial or financial difficulties which are likely to cause or contribute to dependency on public assistance.

- s. 9 (2),
amended
- 3.** Subsection 2 of section 9 of the said Act is amended by striking out “with the approval of the regional welfare administrator” in the third and fourth lines.
- s. 10,
amended
- 4.** Section 10 of the said Act is amended by inserting after “Act” in the second line “for the grants and subsidies payable under the regulations”.
- s. 11,
amended
- 5.** Section 11 of the said Act is amended by adding thereto the following clauses:
- (ca) providing for the payment of grants or subsidies and prescribing classes thereof, to persons, municipalities or other organizations or any class thereof towards the cost of courses of instruction for homemakers;
 - (cb) prescribing terms and conditions under which grants or subsidies or classes thereof shall be made under clause *ca*, the methods of determining the amounts of such grants or subsidies or classes thereof and providing for the manner in which such grants, subsidies or classes thereof shall be paid.
- Commencement
- 6.** This Act comes into force on the day it receives Royal Assent.
- Short title
- 7.** This Act may be cited as *The Homemakers and Nurses Services Amendment Act, 1973*.

SECTION 3. The amendment removes the need for approval by the regional welfare administrator where a municipality or band pays any part of the cost of providing services under the Act.

SECTIONS 4 AND 5. The amendments provide for the payment of provincial grants towards the cost of training courses for homemakers. The amounts of these grants and the methods of payment are to be determined by the Regulations.

An Act to amend
The Homemakers and Nurses
Services Act

1st Reading

November 22nd, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

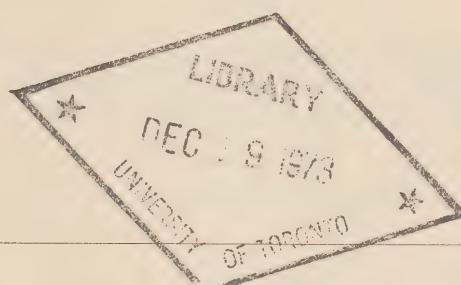
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BILL 240

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Homemakers and Nurses Services Act



THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 240

1973

**An Act to amend
The Homemakers and Nurses Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *d* of section 1 of *The Homemakers and Nurses Services Act*, being chapter 203 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

- (c) "Director" means a Director appointed for the purposes of this Act;
- (d) "Minister" means the Minister of Community and Social Services.

2. Section 6 of the said Act is repealed and the following substituted therefor:

6. The services of a homemaker may be furnished under ^{s.6, re-enacted} ^{Homemakers services} this Act,

- (a) for households in which there is a child who might otherwise be cared for in other than his own home during the absence, illness, convalescence or incapacity of his mother or other person in whose charge he is, where an adult is available to furnish any care that the child may require when the homemaker is not on duty; or
- (b) for a person who is elderly, handicapped, ill or convalescent, in order that he may remain in his own home; or
- (c) for households in which the standard of housekeeping requires improvement to avoid familial or financial difficulties which are likely to cause or contribute to dependency on public assistance.

- | | |
|----------------------|---|
| s. 9 (2),
amended | 3. Subsection 2 of section 9 of the said Act is amended by striking out "with the approval of the regional welfare administrator" in the third and fourth lines. |
| s. 10,
amended | 4. Section 10 of the said Act is amended by inserting after "Act" in the second line "for the grants and subsidies payable under the regulations". |
| s. 11,
amended | 5. Section 11 of the said Act is amended by adding thereto the following clauses: |
| | <i>(ca)</i> providing for the payment of grants or subsidies and prescribing classes thereof, to persons, municipalities or other organizations or any class thereof towards the cost of courses of instruction for homemakers; |
| | <i>(cb)</i> prescribing terms and conditions under which grants or subsidies or classes thereof shall be made under clause <i>ca</i> , the methods of determining the amounts of such grants or subsidies or classes thereof and providing for the manner in which such grants, subsidies or classes thereof shall be paid. |
| Commencement | 6. This Act comes into force on the day it receives Royal Assent. |
| Short title | 7. This Act may be cited as <i>The Homemakers and Nurses Services Amendment Act, 1973</i> . |

BILL 240

An Act to amend
The Homemakers and Nurses
Services Act

1st Reading

November 22nd, 1973

2nd Reading

December 3rd, 1973

3rd Reading

December 3rd, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services

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BILL 241

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The District Welfare Administration Boards Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. The amendment makes it clear that this subsection is subject to the alternative methods of levying costs as set out in subsections 10 and 10 α .

Subsection 2. The new subsection provides a method for levying costs against a municipality where the municipality was not in existence in the immediately preceding year.

BILL 241**1973**

**An Act to amend
The District Welfare Administration
Boards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The District Welfare Administration Boards Act*, being chapter 132 of the Revised Statutes of Ontario, 1970, is amended by striking out "Social and Family Services" in the first and second lines and inserting in lieu thereof "Community and Social Services".
- 2.—(1) Subsection 4 of section 6 of the said Act is amended by inserting after "to" in the first line "subsections 10 and 10a and to".
- (2) The said section 6, as amended by the Statutes of Ontario, 1972, chapter 1, section 21, is further amended by adding thereto the following subsection:

(10a) Where any municipality in the district did not exist in the immediately preceding year, the amount that the board estimates will be required from that municipality for the current year shall be in proportion to the amount, estimated by the board, of the assessment of the municipality for the current year, and the board shall in that case reapportion the amount and make the necessary adjustments in accordance with the revised equalized assessment of the municipality for the current year after such revision and equalization is completed.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1973*.

An Act to amend
The District Welfare Administration
Boards Act

1st Reading

November 22nd, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

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BILL 241

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The District Welfare Administration Boards Act



THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 241

1973

**An Act to amend
The District Welfare Administration
Boards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The District Welfare Administration Boards Act*, being chapter 132 of the Revised Statutes of Ontario, 1970, is amended by striking out "Social and Family Services" in the first and second lines and inserting in lieu thereof "Community and Social Services". s. 1(e), amended
- 2.—(1) Subsection 4 of section 6 of the said Act is amended s. 6(4), amended by inserting after "to" in the first line "subsections 10 and 10a and to".
- (2) The said section 6, as amended by the Statutes of Ontario, 1972, chapter 1, section 21, is further amended s. 6, amended by adding thereto the following subsection:
 - (10a) Where any municipality in the district did not exist in the immediately preceding year, the amount that the board estimates will be required from that municipality for the current year shall be in proportion to the amount, estimated by the board, of the assessment of the municipality for the current year, and the board shall in that case reapportion the amount and make the necessary adjustments in accordance with the revised equalized assessment of the municipality for the current year after such revision and equalization is completed. Assessment for new municipalities
3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1973*. Short title

BILL #41

An Act to amend
The District Welfare Administration
Boards Act

1st Reading

November 22nd, 1973

2nd Reading

December 3rd, 1973

3rd Reading

December 3rd, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services

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BILL 242

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Elderly Persons Centres Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendments provide for approval by the Minister rather than by the Lieutenant Governor in Council.

SECTION 3. The amendment is consistent with section 2 of the Bill.

BILL 242**1973**

**An Act to amend
The Elderly Persons Centres Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Elderly Persons Centres Act*,^{s.1(f), amended} being chapter 140 of the Revised Statutes of Ontario, 1970, is amended by striking out "Social and Family Services" in the first and second lines and inserting in lieu thereof "Community and Social Services".
- 2.—(1) Subsection 1 of section 2 of the said Act, as re-enacted^{s.2(1), amended} by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister".
 (2) Subsection 2 of the said section 2 is amended by^{s.2(2), amended} striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", by striking out "a building" in the second line and inserting in lieu thereof "all or any part of a building or buildings" and by inserting after "premises" in the fifth line "or part thereof, as the case may be".
 (3) Subsection 3 of the said section 2, as amended by the^{s.2(3), amended} Statutes of Ontario, 1972, chapter 158, section 2, is further amended by striking out "Lieutenant Governor in Council" in the second and third lines and inserting in lieu thereof "Minister".
- 3.—(1) Subsection 1 of section 8 of the said Act, as re-enacted^{s.8(1), amended} by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

- s. 8 (2),
amended
- (2) Subsection 2 of the said section 8 is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third and fourth lines and inserting in lieu thereof "revoking".
- s. 8 (5),
amended
- (3) Subsection 5 of the said section 8 is amended by striking out "recommend revocation of" in the third line and inserting in lieu thereof "revoke".
- s. 10 (a),
repealed
- 4.** Clause *a* of section 10 of the said Act is repealed.
- Commencement
- 5.** This Act comes into force on the day it receives Royal Assent.
- Short title
- 6.** This Act may be cited as *The Elderly Persons Centres Amendment Act, 1973*.

SECTION 4. The repealing of this clause is consistent with the change in section 2 of the Bill.

An Act to amend
The Elderly Persons Centres Act

1st Reading

November 22nd, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

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Government
Publications

BILL 242

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Elderly Persons Centres Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 242**1973**

**An Act to amend
The Elderly Persons Centres Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Elderly Persons Centres Act*,<sup>s.1(f),
amended</sup> being chapter 140 of the Revised Statutes of Ontario, 1970, is amended by striking out “Social and Family Services” in the first and second lines and inserting in lieu thereof “Community and Social Services”.
- 2.—(1) Subsection 1 of section 2 of the said Act, as re-enacted<sup>s.2(1),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”.
- (2) Subsection 2 of the said section 2 is amended by<sup>s.2(2),
amended</sup> striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”, by striking out “a building” in the second line and inserting in lieu thereof “all or any part of a building or buildings” and by inserting after “premises” in the fifth line “or part thereof, as the case may be”.
- (3) Subsection 3 of the said section 2, as amended by the<sup>s.2(3),
amended</sup> Statutes of Ontario, 1972, chapter 158, section 2, is further amended by striking out “Lieutenant Governor in Council” in the second and third lines and inserting in lieu thereof “Minister”.
- 3.—(1) Subsection 1 of section 8 of the said Act, as re-enacted<sup>s.8(1),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out “by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister” in the second, third and fourth lines and inserting in lieu thereof “or revoked by the Minister”.

- s. 8 (2),
amended
- (2) Subsection 2 of the said section 8 is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third and fourth lines and inserting in lieu thereof "revoking".
- s. 8 (5),
amended
- (3) Subsection 5 of the said section 8 is amended by striking out "recommend revocation of" in the third line and inserting in lieu thereof "revoke".
- s. 10 (a),
repealed
- 4.** Clause *a* of section 10 of the said Act is repealed.
- Commencement
- 5.** This Act comes into force on the day it receives Royal Assent.
- Short title
- 6.** This Act may be cited as *The Elderly Persons Centres Amendment Act, 1973*.

An Act to amend
The Elderly Persons Centres Act

1st Reading

November 22nd, 1973

2nd Reading

December 3rd, 1973

3rd Reading

December 3rd, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services

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BILL 243

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Ontario Municipal Employees Retirement System Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment enables employees of municipalities and local boards who become employees under contract to the Province to continue to benefit from employer contributions under The Ontario Municipal Employees Retirement System.

SECTION 2. The amendment clarifies the reference to "husband".

SECTION 3. The re-enacted subsection 2 of section 7 requires the Treasurer of Ontario to convert \$154,000,000 of debentures due on December 31st, 1973, to debentures based on a provincial bond rate of interest payable during the years 1963 to 1969 inclusive. The bonds will have terms ranging from 20 to 26 years, as compared with the present 40 year term and will carry coupons ranging from 5.49 per cent to 8.19 per cent. The new subsection 2a requires the Treasurer of Ontario to pay to the Fund \$9,045,170 as an adjustment upon the changed rates of interest.

BILL 243**1973**

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 102, section 1, is repealed and the following substituted therefor:
 - (*g*) “employer” means a municipality or local board or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act or the Province of Ontario in respect of a member who is not eligible to contribute under *The Public Service Superannuation Act* or *The Teachers' Superannuation Act*.^{R.S.O. 1970, cc. 387, 455}
2. Section 1*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 102, section 2, is amended by inserting after “or” where it occurs the first time in the eighth line “her”.
3. Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor:
 - (2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue a Province of Ontario debenture in respect of each year for which a debenture was issued under subsection 1 and the debenture to be issued in respect of the year,
 - (a) 1963, shall be in the amount of \$4,400,000 and shall bear interest at the rate of 5.49 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1993;

- (b) 1964, shall be in the amount of \$10,700,000 and shall bear interest at the rate of 5.56 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1994;
- (c) 1965, shall be in the amount of \$14,100,000 and shall bear interest at the rate of 5.54 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1995;
- (d) 1966, shall be in the amount of \$20,100,000 and shall bear interest at the rate of 6.00 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1996;
- (e) 1967, shall be in the amount of \$24,900,000 and shall bear interest at the rate of 6.30 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1997;
- (f) 1968, shall be in the amount of \$33,100,000 and shall bear interest at the rate of 7.21 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1998; and
- (g) 1969, shall be in the amount of \$46,700,000 and shall bear interest at the rate of 8.19 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1999.

Interest
adjustment
payment
authorized

(2a) On the 31st day of December, 1973, the Treasurer of Ontario shall pay to the Fund \$9,045,170 as an adjustment of the interest heretofore paid to the Fund on the Province of Ontario debentures issued under subsection 1.

Moneys

4. The moneys required for the purposes of subsection 2a of section 7, as enacted by section 3 of this Act, shall be paid out of the Consolidated Revenue Fund.

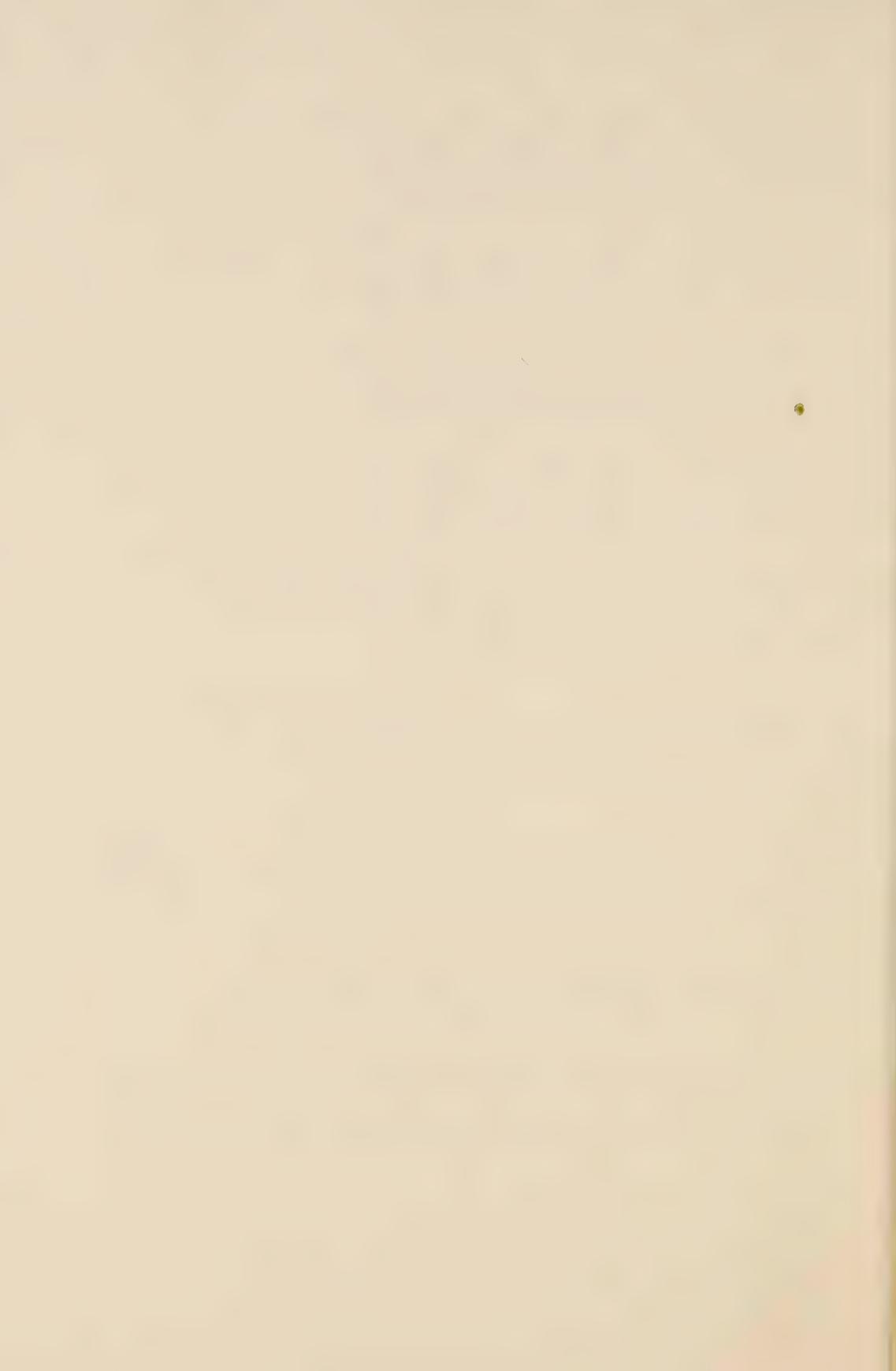
Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1973*.

SECTION 4. Self-explanatory.



An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

November 23rd, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

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Mr. J. White

Government
Publications

BILL 243

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Ontario Municipal Employees Retirement System Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 243**1973**

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 102, section 1, is repealed and the following substituted therefor:
 - (*g*) “employer” means a municipality or local board or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act or the Province of Ontario in respect of a member who is not eligible to contribute under *The Public Service Superannuation Act* or *The Teachers' Superannuation Act*.^{R.S.O. 1970, c. 387, 455}
2. Section 1*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 102, section 2, is amended by inserting after “or” where it occurs the first time in the eighth line “her”.^{s. 1a, amended}
3. Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor:
 - (2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue a Province of Ontario debenture in respect of each year for which a debenture was issued under subsection 1 and the debenture to be issued in respect of the year,^{1973 issue of debentures authorized}
 - (a) 1963, shall be in the amount of \$4,400,000 and shall bear interest at the rate of 5.49 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1993;

- (b) 1964, shall be in the amount of \$10,700,000 and shall bear interest at the rate of 5.56 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1994;
- (c) 1965, shall be in the amount of \$14,100,000 and shall bear interest at the rate of 5.54 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1995;
- (d) 1966, shall be in the amount of \$20,100,000 and shall bear interest at the rate of 6.00 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1996;
- (e) 1967, shall be in the amount of \$24,900,000 and shall bear interest at the rate of 6.30 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1997;
- (f) 1968, shall be in the amount of \$33,100,000 and shall bear interest at the rate of 7.21 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1998; and
- (g) 1969, shall be in the amount of \$46,700,000 and shall bear interest at the rate of 8.19 per cent per annum payable half-yearly and shall become due and payable on the 31st day of December, 1999.

Interest
adjustment
payment
authorized

(2a) On the 31st day of December, 1973, the Treasurer of Ontario shall pay to the Fund \$9,045,170 as an adjustment of the interest heretofore paid to the Fund on the Province of Ontario debentures issued under subsection 1.

Moneys

4. The moneys required for the purposes of subsection 2a of section 7, as enacted by section 3 of this Act, shall be paid out of the Consolidated Revenue Fund.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1973*.

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading
November 23rd, 1973

2nd Reading
December 6th, 1973

3rd Reading
December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CAZON

XB

-B 56

BILL 244

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipal Grants Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTIONS 1 AND 2. The purpose of the amendments contained in sections 1 and 2 of the Bill is to permit the Minister to redetermine the population of an area municipality where there has been an amalgamation or annexation. This will allow the grants to the area municipalities to be adjusted without penalizing the remaining area municipalities. Prior to the amendment, there had to be a 7 per cent increase in the population of the regional municipality before such adjustment could take place.

SECTION 3. The amendment provides for a special payment to be made to a county if it is affected by an amalgamation or annexation as well as to a local municipality or regional or district municipality as provided previously.

BILL 244**1973**

**An Act to amend
The Regional Municipal Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 64, section 2, is repealed.<sup>s. 3 (2),
repealed</sup>

2.—(1) Section 4 of the said Act is amended by adding<sup>s. 4,
amended</sup> thereto the following subsection:

(1a) Notwithstanding subsection 1, where in the opinion of the Ministry, the population of an area municipality within a regional municipality has increased or decreased as a result of any annexation or amalgamation approved by the Minister, the Ministry may redetermine the population of such area municipality, and such redetermined population shall be the population of the area municipality for the purposes of this Act for the year in which the amalgamation or annexation took place.<sup>Redeter-
mination of
population</sup>

(2) Subsection 4 of the said section 4 is repealed.

<sup>s. 4 (4),
repealed</sup>

3.—(1) Clause *b* of subsection 2 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 62, section 3, is repealed and the following substituted therefor:<sup>s. 9 (2) (b),
re-enacted</sup>

(b) to any other local municipality or regional, metropolitan or district municipality or county affected by any amalgamation or annexation approved by the Minister, for a period of five years after the effective date of such amalgamation or annexation.

- s. 9(2),
amended
- (2) Subsection 2 of the said section 9 is amended by inserting after "regional" in the fifteenth line "county, metropolitan".
- Commence-
ment
- 4.** This Act comes into force on the day it receives Royal Assent.
- Short title
- 5.** This Act may be cited as *The Regional Municipal Grants Amendment Act, 1973 (No. 2)*.

An Act to amend
The Regional Municipal
Grants Act

1st Reading

November 23rd, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

CAZON

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-B 56

BILL 244

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Regional Municipal Grants Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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BILL 244

1973

**An Act to amend
The Regional Municipal Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 64, section 2, is repealed.

2.—(1) Section 4 of the said Act is amended by adding thereto the following subsection:

(1a) Notwithstanding subsection 1, where in the opinion of the Ministry, the population of an area municipality within a regional municipality has increased or decreased as a result of any annexation or amalgamation approved by the Minister, the Ministry may redetermine the population of such area municipality, and such redetermined population shall be the population of the area municipality for the purposes of this Act for the year in which the amalgamation or annexation took place.

(2) Subsection 4 of the said section 4 is repealed.

s. 4 (4),
repealed

3.—(1) Clause b of subsection 2 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 62, section 3, is repealed and the following substituted therefor:

(b) to any other local municipality or regional, metropolitan or district municipality or county affected by any amalgamation or annexation approved by the Minister, for a period of five years after the effective date of such amalgamation or annexation.

- s. 9 (2),
amended
- (2) Subsection 2 of the said section 9 is amended by inserting after "regional" in the fifteenth line "county, metropolitan".
- Commence-
ment
- 4.** This Act comes into force on the day it receives Royal Assent.
- Short title
- 5.** This Act may be cited as *The Regional Municipal Grants Amendment Act, 1973 (No. 2)*.

An Act to amend
The Regional Municipal
Grants Act

1st Reading

November 23rd, 1973

2nd Reading

December 7th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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-B 56

BILL 245

Government Bill
Intergovernmental
Relations

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Peel Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The Act presently provides for the dissolution of all existing committees of adjustment on December 31st, 1973, and requires the establishment of a land division committee by the Regional Council to grant consents under *The Planning Act*; the added subsection provides for the disposition of consent applications pending before a committee of adjustment on the date of its dissolution.

SECTION 3. The functions transferred to the Regional Corporation under subsection 3 of section 61 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

BILL 245**1973**

**An Act to amend
The Regional Municipality of Peel Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Regional Municipality of Peel Act, 1973*,^{s. 51, amended} being chapter 60, is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume ^{Approval required to intersect} for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

2. Section 55 of the said Act is amended by adding thereto^{s. 55, amended} the following subsection:

(11) The land division committee constituted under sub-^{Land division} section 10 stands in the place and stead of any committee ^{to stand in place of committees} of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a ^{of adjustment} consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

3. Section 61 of the said Act is amended by adding thereto the^{s. 61, amended} following subsection:

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (3) (a),
amended

- 4.** Clause *a* of subsection 3 of section 73 of the said Act is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date be entitled".

s. 76,
amended

- 5.** Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 115 (1),
amended

- 6.** Subsection 1 of section 115 of the said Act is amended by inserting after "24" in the third line "46".

s. 117,
amended

- 7.** Section 117 of the said Act is amended by adding thereto the following subsection:

Application
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

Commencement

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** This Act may be cited as *The Regional Municipality of Peel Amendment Act, 1973*.

SECTION 4. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Mississauga Police Force.

SECTION 5. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

SECTION 6. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 7. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

BILL 245

An Act to amend
The Regional Municipality
of Peel Act, 1973

1st Reading
November 23rd, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

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BILL 245

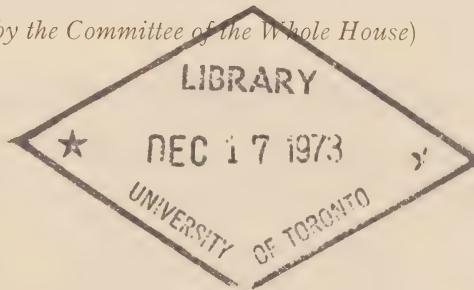
Government Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Peel Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The Act presently provides for the dissolution of all existing committees of adjustment on December 31st, 1973, and requires the establishment of a land division committee by the Regional Council to grant consents under *The Planning Act*; the added subsection provides for the disposition of consent applications pending before a committee of adjustment on the date of its dissolution.

SECTION 3. The functions transferred to the Regional Corporation under subsection 3 of section 61 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

BILL 245

1973

**An Act to amend
The Regional Municipality of Peel Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Regional Municipality of Peel Act, 1973*, s. 51, being chapter 60, is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume approval required to intersect regional road for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

2. Section 55 of the said Act is amended by adding thereto s. 55, amended the following subsection:

(11) The land division committee constituted under sub-section 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

3. Section 61 of the said Act is amended by adding thereto the s. 61, amended following subsection:

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (3) (a),
amended

4.—(1) Clause *a* of subsection 3 of section 73 of the said Act is amended by adding at the end thereof “on and after the 1st day of January, 1974, in respect of service after such date”.

s. 73,
amended

(2) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Peel Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 5, and its successor, shall be entitled to negotiate with the Peel Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 76,
amended

5. Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 115 (1),
amended

6. Subsection 1 of section 115 of the said Act is amended by inserting after “24” in the third line “46”.

s. 117,
amended

7. Section 117 of the said Act is amended by adding thereto the following subsection:

Application
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the

SECTION 4. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Mississauga Police Force.

SECTION 5. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

SECTION 6. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 7. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

SECTION 8. The amendment empowers the council to pass the same by-laws as a board of police commissioners may pass.

function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

8. Section 143 of the said Act is amended by inserting after <sup>s. 143,
amended</sup> "Mississauga" in the first line "and the council of the City of Brampton".
9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
10. This Act may be cited as *The Regional Municipality of Peel Amendment Act, 1973*. ^{short title}

BILL 245

An Act to amend
The Regional Municipality
of Peel Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Reprinted as amended by the
Committee of the Whole House)

~~THE~~ CAZON Legislative Assembly

Government
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BILL 245

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Peel Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 245**1973**

**An Act to amend
The Regional Municipality of Peel Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Regional Municipality of Peel Act, 1973*, ^{s.51, amended} being chapter 60, is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume ^{Approval required to intersect} for public use any highway which intersects with ^{or} ^{regional road} enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

2. Section 55 of the said Act is amended by adding thereto ^{s.55, amended} the following subsection:

(11) The land division committee constituted under sub-section 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973. ^{Land division committee to stand in place of committees of adjustment}

3. Section 61 of the said Act is amended by adding thereto the ^{s.61, amended} following subsection:

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. ^{Assets and liabilities}

- s. 73 (3) (a),
amended
- 4.**—(1) Clause *a* of subsection 3 of section 73 of the said Act is amended by adding at the end thereof “on and after the 1st day of January, 1974, in respect of service after such date”.
- s. 73,
amended
- (2) The said section 73 is amended by adding thereto the following subsection:
- Supple-
mentary
pension plans
- (3a) Notwithstanding clause *a* of subsection 3, those members of the Peel Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 5, and its successor, shall be entitled to negotiate with the Peel Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.
- s. 76,
amended
- 5.** Section 76 of the said Act is amended by adding thereto the following subsections:
- Special
rates
- (7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.
- Raising
of money
by area
municipality
- (8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.
- s. 115 (1),
amended
- 6.** Subsection 1 of section 115 of the said Act is amended by inserting after “24” in the third line “46”.
- s. 117,
amended
- 7.** Section 117 of the said Act is amended by adding thereto the following subsection:
- Application
of s. 27
- (3) In the event that any employee is required to remain on the staff of any area municipality to complete the

function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

8. Section 143 of the said Act is amended by inserting after ^{s. 143, amended} "Mississauga" in the first line "and the council of the City of Brampton".
9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
10. This Act may be cited as *The Regional Municipality of Peel Amendment Act, 1973*. ^{Short title}

An Act to amend
The Regional Municipality
of Peel Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CAZON
XB
-B 56

BILL 246

Government
Publications

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The District Municipality of Muskoka Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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EXPLANATORY NOTES

SECTION 1. The amendment brings the section into line with the provisions of *The Municipal Conflict of Interest Act, 1972*.

SECTION 2. Self-explanatory.

SECTION 3. Subsection 16 of section 92 of the Act now provides for a penalty of half of 1 per cent for each month an area municipality is late in paying its Regional levy. The amendment gives discretion to the Regional Council to fix the interest at any rate up to 12 per cent per annum.

SECTION 4. Self-explanatory.

BILL 246**1973**

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 21 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".
2. Section 65 of the said Act is amended by adding thereto ^{s. 21(4), amended} the following subsection:
 - (3) No area municipality shall open up, establish or assume ^{Approval required to intersect} for public use any highway which intersects with or enters ^{district road} upon any highway in the district road system without the prior written approval of the District Corporation.
3. Subsection 16 of section 92 of the said Act is repealed and ^{s. 92(16), re-enacted} the following substituted therefor:
 - (16) If an area municipality fails to make any payment ^{Default} as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the District Council determines from the date payment is due until it is made.
4. Section 106 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 8, is further amended by adding thereto the following subsection:
 - (5a) The signature of the chairman or any other person ^{s. 106, amended} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section

and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 130 (1),
amended

- 5.** Subsection 1 of section 130 of the said Act is amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

Form 2, par. 4,
repealed

- 6.** Paragraph 4 of Form 2 of the said Act is repealed.

Commencement

- 7.** This Act comes into force on the day it receives Royal Assent.

Short title

- 8.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1973*.

SECTION 5. The District Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 6. The amendment removes part of the declaration of qualification now covered by *The Municipal Conflict of Interest Act, 1972*.

BILL 240

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

November 23rd, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

CAZON

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-B 56

BILL 246

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The District Municipality of Muskoka Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 246**1973**

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 21 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*".

2. Section 65 of the said Act is amended by adding thereto^{s. 65, amending} the following subsection:

(3) No area municipality shall open up, establish or assume^{Approval required to intersect district road} for public use any highway which intersects with or enters upon any highway in the district road system without the prior written approval of the District Corporation.

3. Subsection 16 of section 92 of the said Act is repealed and^{s. 92 (16), re-enacted} the following substituted therefor:

(16) If an area municipality fails to make any payment^{Default} as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the District Council determines from the date payment is due until it is made.

4. Section 106 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 8, is further amended by adding thereto the following subsection:

(5a) The signature of the chairman or any other person^{Idem} authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section

and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 130 (1),
amended

- 5.** Subsection 1 of section 130 of the said Act is amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

Form 2, par. 4,
repealed

- 6.** Paragraph 4 of Form 2 of the said Act is repealed.

Commence-
ment

- 7.** This Act comes into force on the day it receives Royal Assent.

Short title

- 8.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1973*.

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

November 23rd, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CAZON Amend
XB

-B 56

BILL 247

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Halton Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTES

SECTION 1. A portion of the Township of Nassagaweya is included in the area municipality of the Town of Milton. The amendment provides for the annexation of the balance to the Township of Eramosa in the County of Wellington.

SECTION 2. The amendment deals with the eventuality of the death of a council member after polling day but before taking office. The vacancy may be filled either by by-election or by appointment as the council determines.

SECTION 3. Self-explanatory.

SECTION 4. The Act presently provides for the dissolution of all existing committees of adjustment on December 31st, 1973, and requires the establishment of a land division committee by the Regional Council to grant consents under *The Planning Act*. The added subsection provides for the disposition of consent applications pending before a committee of adjustment on the date of its dissolution.

BILL 247**1973**

**An Act to amend
The Regional Municipality of Halton Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipality of Halton Act, 1973*, ^{s. 2,} amended being chapter 70, is amended by adding thereto the following subsection:

(1a) That portion of the Township of Nassagaweya excluded from the said township under clause c of subsection 1 is annexed to the Township of Eramosa on the 1st day of January, 1974.

2. Section 3 of the said Act is amended by adding thereto the ^{s. 3,} ^{amended} following subsection:

(6) In the event that any person elected to any municipal office in the Regional Area cannot for any reason take office, a vacancy shall be deemed to have occurred in such office and the provisions of sections 44 and 45 of *The Municipal Act* apply *mutatis mutandis*.

3. Section 51 of the said Act is amended by adding thereto the ^{s. 51,} ^{amended} following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

4. Section 55 of the said Act is amended by adding thereto the ^{s. 55,} ^{amended} following subsection:

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of adjustment.

of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

- 5.** Section 61 of the said Act is amended by adding thereto the following subsection:

Assets and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (3) (a).
amended

- 6.** Clause *a* of subsection 3 of section 73 of the said Act is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date be entitled".

s. 76.
amended

- 7.** Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(8) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 115 (1).
amended

- 8.** Subsection 1 of section 115 of the said Act is amended by inserting after "44" in the third line "46".

s. 117.
amended

- 9.** Section 117 of the said Act is amended by adding thereto the following subsection:

SECTION 5. The functions transferred to the Regional Corporation under subsection 2 of section 61 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

SECTION 6. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Burlington Police Force.

SECTION 7. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

SECTION 8. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 9. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

SECTION 10. Self-explanatory.

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

10. Section 138 of the said Act is amended by adding thereto<sup>s. 138,
amended</sup> the following subsection:

(2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation.

11. This Act comes into force on the day it receives Royal Assent.^{Commencement}

12. This Act may be cited as *The Regional Municipality of Halton Amendment Act, 1973.*^{Short title}

An Act to amend
The Regional Municipality
of Halton Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

CAZON
XB
-B56

Government
Publications

BILL 247

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Halton Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. A portion of the Township of Nassagaweya is included in the area municipality of the Town of Milton. The amendment provides for the annexation of the balance to the Township of Eramosa in the County of Wellington.

SECTION 2. The amendment deals with the eventuality of the death of a council member after polling day but before taking office. The vacancy may be filled either by by-election or by appointment as the council determines.

SECTION 3. Self-explanatory.

SECTION 4. The Act presently provides for the dissolution of all existing committees of adjustment on December 31st, 1973, and requires the establishment of a land division committee by the Regional Council to grant consents under *The Planning Act*. The added subsection provides for the disposition of consent applications pending before a committee of adjustment on the date of its dissolution.

BILL 247**1973**

**An Act to amend
The Regional Municipality of Halton Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipality of Halton Act, 1973*, <sup>s. 2,
amended</sup> being chapter 70, is amended by adding thereto the following subsection:

(1a) That portion of the Township of Nassagaweya excluded from the said township under clause c of subsection 1 is annexed to the Township of Eramosa on the 1st day of January, 1974.

2. Section 3 of the said Act is amended by adding thereto the <sup>s. 3,
amended</sup> following subsection:

(6) In the event that any person elected to any municipal office in the Regional Area cannot for any reason take office, a vacancy shall be deemed to have occurred in such office and the provisions of sections 44 and 45 of *The Municipal Act* apply *mutatis mutandis*.

3. Section 51 of the said Act is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

4. Section 55 of the said Act is amended by adding thereto the following subsection:

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose

Land
division
committee
to stand in
place of
committees
of
adjustment

of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

- 5.** Section 61 of the said Act is amended by adding thereto the following subsection:

Assets and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (3) (a),
amended

- 6.—(1)** Clause *a* of subsection 3 of section 73 of the said Act is amended by adding at the end thereof "on and after the 1st day of January, 1974, in respect of service after such date".

s. 73,
amended

- (2) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Halton Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 5, and its successor, shall be entitled to negotiate with the Halton Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 76,
amended

- 7.** Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(8) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

SECTION 5. The functions transferred to the Regional Corporation under subsection 2 of section 61 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

SECTION 6. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Burlington Police Force. ⁶

SECTION 7. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

SECTION 8. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 9. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

SECTION 10. Self-explanatory.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

- 8.** Subsection 1 of section 115 of the said Act is amended by inserting after "44" in the third line "46".
- 9.** Section 117 of the said Act is amended by adding thereto the following subsection:
- (3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.
- 10.** Section 138 of the said Act is amended by adding thereto the following subsection:
- (2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation.
- 11.** This Act comes into force on the day it receives Royal Assent.
- 12.** This Act may be cited as *The Regional Municipality of Halton Amendment Act, 1973*.

An Act to amend
The Regional Municipality
of Halton Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

CAZON

XB

-B 56

BILL 247

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Halton Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 247**1973**

**An Act to amend
The Regional Municipality of Halton Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipality of Halton Act, 1973*, <sup>s. 2,
amended</sup> being chapter 70, is amended by adding thereto the following subsection:

(1a) That portion of the Township of Nassagaweya excluded from the said township under clause c of subsection 1 is annexed to the Township of Eramosa on the 1st day of January, 1974.

2. Section 3 of the said Act is amended by adding thereto the <sup>s. 3,
amended</sup> following subsection:

(6) In the event that any person elected to any municipal office in the Regional Area cannot for any reason take office, a vacancy shall be deemed to have occurred in such office and the provisions of sections 44 and 45 of *The Municipal Act* apply *mutatis mutandis*. <sup>Failure to take office
R.S.O. 1970,
c. 284</sup>

3. Section 51 of the said Act is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. ^{Approval required to intersect regional road}

4. Section 55 of the said Act is amended by adding thereto the following subsection:

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose ^{Land division committee to stand in place of committees of adjustment}

of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

- 5.** Section 61 of the said Act is amended by adding thereto the following subsection:

Assets and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (3) (a),
amended

- 6.—(1)** Clause *a* of subsection 3 of section 73 of the said Act is amended by adding at the end thereof "on and after the 1st day of January, 1974, in respect of service after such date".

s. 73,
amended

- (2)** The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Halton Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 5, and its successor, shall be entitled to negotiate with the Halton Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 76.
amended

- 7.** Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(8) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

8. Subsection 1 of section 115 of the said Act is amended by inserting after "44" in the third line "46".

9. Section 117 of the said Act is amended by adding thereto the following subsection:

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

10. Section 138 of the said Act is amended by adding thereto the following subsection:

(2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation.

11. This Act comes into force on the day it receives Royal Assent.

Commencement

12. This Act may be cited as *The Regional Municipality of Halton Amendment Act, 1973.*

BILL 247

An Act to amend
The Regional Municipality
of Halton Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 15th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CAZON

Federation

XB

BILL 248

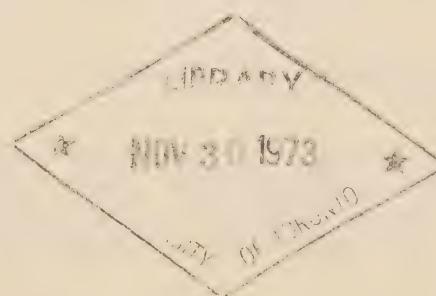
-B 56

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Durham Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The effect of the amendment is to include the annexation of a portion of Pickering to Scarborough as one deemed to be made by order of the Municipal Board and thus empowers the Board to exercise its usual powers consequent upon annexations.

SECTION 2. Appointments to office for the County of York and for the United Counties of Durham and Northumberland are continued as appointments to office for both the Judicial District of Durham and the County of Northumberland.

SECTION 3. Self-explanatory.

SECTION 4. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

BILL 248

1973

**An Act to amend
The Regional Municipality of Durham Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended by inserting after "Part" in the second line "and in subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*".
2. Subsection 5 of section 6 of the said Act is repealed and the following substituted therefor:
 (5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario or the United Counties of Northumberland and Durham shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for both the Judicial District of Durham and the County of Northumberland.
3. Section 52 of the said Act is amended by adding thereto the following subsection:
 (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation.

4. Section 55 of the said Act is amended by adding thereto the following subsections:

(6) The Regional Corporation may by by-law provide for special rates imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a

water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(7) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Purchase
of water

(8) The Regional Corporation may enter into a contract for the purchase of water from any adjoining regional or metropolitan municipality and no area municipality shall, after the 1st day of January, 1974, enter into any such contract with any municipality.

s. 57.
amended

5. Section 57 of the said Act is amended by adding thereto the following subsection:

Contracts
for disposal
of sewage

(9) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality.

s. 62.
amended

6. Section 62 of the said Act is amended by adding thereto the following subsection:

Land division
committee
to stand in
place of
committees
of
adjustment

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 67 (3) (a).
amended

7. Clause *a* of subsection 3 of section 67 of the said Act is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date be entitled".

SECTION 5. Self-explanatory.

SECTION 6. Self-explanatory.

SECTION 7. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Oshawa Police Force.

SECTION 8. The functions transferred to the Regional Corporation under subsection 2 of section 77 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

SECTION 9. Section 96 of the Act provides for committees of arbitrators to determine the disposition of the assets and liabilities of, *inter alia*, the Township of Pickering. The amendment is to make clear that the Borough of Scarborough and The Municipality of Metropolitan Toronto are interested municipalities because of the annexation of a portion of Pickering to Scarborough.

SECTION 10.—Subsection 1. The Regional Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

Subsection 2. Similar in intent to section 9 of the Bill in including the Borough of Scarborough and The Municipality of Metropolitan Toronto as municipalities that have certain rights in relation to by-laws affecting lands now within their boundaries.

- 8.** Section 77 of the said Act is amended by adding thereto ^{s. 77,} _{amended} the following subsection:

(3) All the assets and liabilities pertaining to the functions ^{Assets and liabilities} transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

- 9.** Subsection 5 of section 96 of the said Act is repealed and ^{s. 96 (5),} _{re-enacted} the following substituted therefor:

(5) The final determination made under subsection 4 shall ^{Idem} be forwarded forthwith to the Regional Corporation, The Municipality of Metropolitan Toronto and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional Corporation, The Municipality of Metropolitan Toronto or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, The Municipality of Metropolitan Toronto, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed <sup>R.S.O. 1970,
c. 284</sup> upon by the Regional Corporation, The Municipality of Metropolitan Toronto and such municipalities or area municipalities.

- 10.—(1)** Subsection 1 of section 123 of the said Act is amended ^{s. 123 (1),} _{amended} by inserting after "24" in the third line "46".

- (2) Subsections 7 and 8 of the said section 123 are repealed ^{s. 123 (7, 8),} _{re-enacted} and the following substituted therefor:

(7) Every by-law of a local municipality as it exists ^{By-laws} on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality or the council of The Municipality of Metropolitan Toronto or the council of the Borough of Scarborough, as the case may be, as it affects such area municipality or The Municipality of Metropolitan Toronto or the Borough of Scarborough.

(8) Where any local municipality has commenced pro- ^{Idem} cedures to enact a by-law which, prior to its enactment, re-quires the approval of any minister of the Crown, any

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the area municipality, the council of The Municipality of Metropolitan Toronto, or the council of the Borough of Scarborough, as the case may be, which is successor to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, or to The Municipality of Metropolitan Toronto or to the Borough of Scarborough and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

s. 125,
amended

- 11.** Section 125 of the said Act is amended by adding thereto the following subsection:

Application
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

s. 134,
amended

- 12.** Section 134 of the said Act is amended by adding thereto the following subsections:

County of
Northumber-
land
incorporated

(5) On the 1st day of January, 1974, the inhabitants of the County of Northumberland together with the inhabitants of the Township of Hope and the Town of Port Hope are constituted a body corporate under the name of The Corporation of the County of Northumberland.

Membership
of county
council

(6) The members of council of the United Counties of Northumberland and Durham as it exists on the 31st day of December, 1973, whose membership derives from tenure of municipal office in a local municipality within the County of Northumberland, as constituted by subsection 5, shall, on and after the 1st day of January, 1974, continue in office as members of council for the County of Northumberland until the 31st day of December, 1974.

Agreement
successor
rights

(7) Where any agreement has been entered into by The Corporation of the United Counties of Northumberland and Durham, The Corporation of the County of Northumberland shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of The Corporation of the United Counties of Northumberland and Durham in so far as the agreement pertains to the County of Northumberland.

By-laws

(8) Every by-law of the United Counties of Northumberland and Durham as it exists on the 31st day of December,

SECTION 11. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

SECTION 12. Provision is made for the constitution of the County of Northumberland consequent on the dissolution of the United Counties of Northumberland and Durham and provides for the constitution of the county council until the end of 1974. Additional matters dealt with are the status of agreements and by-laws of the United Counties.

SECTION 13. Similar in intent to section 9 of the Bill in including the Borough of Scarborough and The Municipality of Metropolitan Toronto as municipalities that may succeed to certain rights in relation to agreements entered into by local municipalities in the Regional Area.

1973, shall remain in force in the area of the County of Northumberland, as it exists on and after the 1st day of January, 1974, and may be amended or repealed by the council of the County of Northumberland as it affects such county.

- 13.** Section 140 of the said Act is amended by adding thereto^{s. 140.} ~~amended~~ the following subsection:

(2) For the purposes of subsection 1, "Regional Corporation" shall be deemed to include The Municipality of Metropolitan Toronto and "area municipality" shall be deemed to include The Corporation of the Borough of Scarborough.

- 14.** This Act comes into force on the day it receives Royal Assent.^{Commencement}

- 15.** This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1973.*^{Short title}

BILL 248

An Act to amend The Regional
Municipality of Durham Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

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BILL 248

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Durham Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 248

1973

**An Act to amend
The Regional Municipality of Durham Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended by inserting after "Part" in the second line "and in subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*". s. 2 (3), amended
2. Subsection 5 of section 6 of the said Act is repealed and the following substituted therefor: s. 6 (5), re-enacted
 - (5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario or the United Counties of Northumberland and Durham shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for both the Judicial District of Durham and the County of Northumberland. Appoint-ments
3. Section 52 of the said Act is amended by adding thereto the following subsection: s. 52, amended
 - (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. Approval required to intersect regional road
4. Section 55 of the said Act is amended by adding thereto the following subsections: s. 55, amended
 - (6) The Regional Corporation may by by-law provide for special rates imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a

water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising
of money
by area
municipality

(7) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Purchase
of water

(8) The Regional Corporation may enter into a contract for the purchase of water from any adjoining regional or metropolitan municipality and no area municipality shall, after the 1st day of January, 1974, enter into any such contract with any municipality.

s. 57.
amended

5. Section 57 of the said Act is amended by adding thereto the following subsection:

Contracts
for disposal
of sewage

(9) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality.

s. 62.
amended

6. Section 62 of the said Act is amended by adding thereto the following subsection:

Land division
committee
to stand in
place of
committees
of
adjustment

(11) The land division committee constituted under subsection 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 67 (3) (a).
amended

7. Clause *a* of subsection 3 of section 67 of the said Act is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date be entitled".

- 8.** Section 77 of the said Act is amended by adding thereto ^{s. 77,} ~~s. 77,~~ ^{amended} the following subsection:

(3) All the assets and liabilities pertaining to the functions ^{Assets and liabilities} transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

- 9.** Subsection 5 of section 96 of the said Act is repealed and ^{s. 96 (5),} ~~s. 96 (5),~~ ^{re-enacted} the following substituted therefor:

(5) The final determination made under subsection 4 shall ^{Idem} be forwarded forthwith to the Regional Corporation, The Municipality of Metropolitan Toronto and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional Corporation, The Municipality of Metropolitan Toronto or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, The Municipality of Metropolitan Toronto, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed <sup>R.S.O. 1970,
c. 284</sup> upon by the Regional Corporation, The Municipality of Metropolitan Toronto and such municipalities or area municipalities.

- 10.—(1)** Subsection 1 of section 123 of the said Act is amended ^{s. 123 (1),} ~~s. 123 (1),~~ ^{amended} by inserting after "24" in the third line "46".

- (2) Subsections 7 and 8 of the said section 123 are repealed ^{s. 123 (7, 8),} ~~s. 123 (7, 8),~~ ^{re-enacted} and the following substituted therefor:

(7) Every by-law of a local municipality as it exists ^{By-laws} on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality or the council of The Municipality of Metropolitan Toronto or the council of the Borough of Scarborough, as the case may be, as it affects such area municipality or The Municipality of Metropolitan Toronto or the Borough of Scarborough.

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any ^{Idem}

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the area municipality, the council of The Municipality of Metropolitan Toronto, or the council of the Borough of Scarborough, as the case may be, which is successor to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, or to The Municipality of Metropolitan Toronto or to the Borough of Scarborough and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

s. 125,
amended

- 11.** Section 125 of the said Act is amended by adding thereto the following subsection:

Application
of s. 27

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

s. 134,
amended

- 12.** Section 134 of the said Act is amended by adding thereto the following subsections:

County of
Northumber-
land
incorporated

(5) On the 1st day of January, 1974, the inhabitants of the County of Northumberland together with the inhabitants of the Township of Hope and the Town of Port Hope are constituted a body corporate under the name of The Corporation of the County of Northumberland.

Membership
of county
council

(6) The members of council of the United Counties of Northumberland and Durham as it exists on the 31st day of December, 1973, whose membership derives from tenure of municipal office in a local municipality within the County of Northumberland, as constituted by subsection 5, shall, on and after the 1st day of January, 1974, continue in office as members of council for the County of Northumberland until the 31st day of December, 1974.

Agreement
successor
rights

(7) Where any agreement has been entered into by The Corporation of the United Counties of Northumberland and Durham, The Corporation of the County of Northumberland shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of The Corporation of the United Counties of Northumberland and Durham in so far as the agreement pertains to the County of Northumberland.

By-laws

(8) Every by-law of the United Counties of Northumberland and Durham as it exists on the 31st day of December,

1973, shall remain in force in the area of the County of Northumberland, as it exists on and after the 1st day of January, 1974, and may be amended or repealed by the council of the County of Northumberland as it affects such county.

- 13.** Section 140 of the said Act is amended by adding thereto <sup>s. 140,
amended</sup> the following subsection:

(2) For the purposes of subsection 1, “Regional Corporation” shall be deemed to include The Municipality of Metropolitan Toronto and “area municipality” shall be deemed to include The Corporation of the Borough of Scarborough.

- 14.** This Act comes into force on the day it receives Royal Assent. ^{Commencement}

- 15.** This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1973*. ^{Short title}

BILL 248

An Act to amend The Regional
Municipality of Durham Act, 1973

1st Reading

November 23rd, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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BILL 249

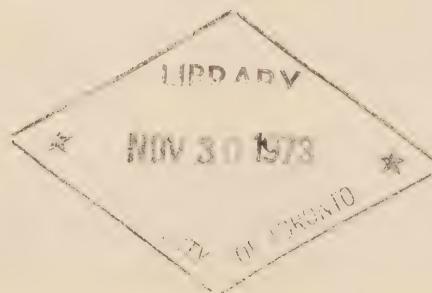
Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
• 22 ELIZABETH II, 1973

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue



EXPLANATORY NOTES

The amendments contained in this Bill provide for the return of assessments at market value in 1976.

Amendments are also proposed to section 97 of the Act which will permit the return of an assessment roll at market value in any municipality or locality named in a proclamation by the Lieutenant Governor, and to allow taxation on the basis of the market value assessment in the year in which it is returned.

SECTION 1.—Subsection 1. This amendment corrects a reference to a subsection in the statute.

Subsection 2. The subsection added will permit new rates to be prescribed for the assessment of pipe lines in areas where a market value assessment is in force by reason of a proclamation under section 97.

BILL 249

1973

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *c* of subsection 1 of section 33 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is amended by striking out “4” in the first line and inserting in lieu thereof “3”.
- (2) The said section 33 is amended by adding thereto the following subsection:
 - (16) Notwithstanding any provisions of this section to the contrary, where, as a result of making a proclamation under section 97, an assessment at market value is made of real property in any municipality or in territory without municipal organization comprised in a locality, the Lieutenant Governor in Council may by regulation,
 - (a) prescribe rates in lieu of the rates in subsection 4 to be applied for the taxation of pipe lines in such municipality or territory;
 - (b) where two or more pipe lines occupy the same right of way, designate the second and subsequent pipe lines and prescribe the percentage of the rates as so prescribed at which the second and subsequent pipe lines are assessable and taxable,

and the rates and percentages of rates as so prescribed shall apply in such municipality and territory in the year in which taxation is first levied on the basis of the new assessment at market value resulting from such a proclamation and in each year thereafter, but the rates as so prescribed do not apply to taxation in any year prior to 1974.

- s. 94.
amended
- 2.** Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by striking out "January" in the fourth line and inserting in lieu thereof "October".
- s. 95,
amended
- 3.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by striking out "1974" in the second line and in the fifth line and inserting in lieu thereof in each instance "1976".
- s. 96.
amended
- 4.** Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20, is further amended by striking out "1974" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "1975".
- s. 97 (4).
amended
- 5.—(1)** Subsection 4 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2, is amended,
- (a) by striking out ", during the year 1973," in the second line; and
 - (b) by striking out "1973" in the seventh line, the eleventh line and the twelfth line and inserting in lieu thereof in each instance "in which such named day occurs".
- s. 97 (5),
amended
- (2) Subsection 5 of the said section 97 is amended,
- (a) by striking out "during the year 1973" in the first and second lines;
 - (b) by striking out "August, 1973" in the seventh and eighth lines and inserting in lieu thereof "December in the year in which such named day occurs"; and
 - (c) by striking out "the year 1973" in the ninth line and in the sixteenth line and inserting in lieu thereof in each instance "such year".
- s. 97 (6).
amended
- (3) Subsection 6 of the said section 97 is amended,
- (a) by striking out ", during the year 1973," in the second line; and
 - (b) by striking out "1973" in the ninth line and inserting in lieu thereof "in which such named day occurs".

SECTIONS 2, 3 AND 4. The amendments postpone the effect of provisions of the Act that deal with an assessment at market value in 1974.

SECTION 5. Section 97 of the Act is amended to allow the Lieutenant Governor by proclamation to provide for the assessment at market value of property in a municipality or locality, and for taxation by that municipality or locality on the basis of the market value assessment in the year in which the assessment is made. Under the existing Act, taxation on the basis of the market value assessment in the year in which the assessment was made could only be levied for the year 1973. The amendments remove this restriction.

SECTION 6. Provisions which would otherwise come into force on January 1, 1974 are repealed as complementary to the amendments in sections 2 to 5 of the Bill.

- 6.**—(1) Section 5 of *The Assessment Amendment Act, 1971*, being 1971, c. 79, chapter 79, is repealed.
s. 5.
repealed

(2) Subsection 1 of section 14 of the said Act is amended ^{s. 14 (1).}amended by striking out “5” in the first line.

(3) Subsection 3 of the said section 14 is amended by ^{s. 14 (3).}amended striking out “Sections 5 and 9 come” in the first line and inserting in lieu thereof “Section 9 comes”.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Assessment Amendment Act, 1973* (No. 2). Short title

BILL 249

An Act to amend
The Assessment Act

1st Reading

November 23rd, 1973

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(*Government Bill*)

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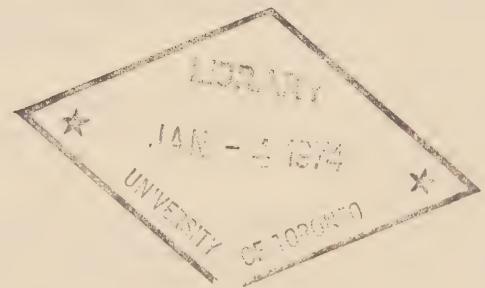
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BILL 249

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 249

1973

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 1 of section 33 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is amended by striking out “4” in the first line and inserting in lieu thereof “3”. s. 33(1)(c), amended

(2) The said section 33 is amended by adding thereto s. 33, amended the following subsection:

(16) Notwithstanding any provisions of this section to the contrary, where, as a result of making a proclamation under section 97, an assessment at market value is made of real property in any municipality or in territory without municipal organization comprised in a locality, the Lieutenant Governor in Council may by regulation, Re-enactment of table of rates

- (a) prescribe rates in lieu of the rates in subsection 4 to be applied for the taxation of pipe lines in such municipality or territory;
- (b) where two or more pipe lines occupy the same right of way, designate the second and subsequent pipe lines and prescribe the percentage of the rates as so prescribed at which the second and subsequent pipe lines are assessable and taxable,

and the rates and percentages of rates as so prescribed shall apply in such municipality and territory in the year in which taxation is first levied on the basis of the new assessment at market value resulting from such a proclamation and in each year thereafter, but the rates as so prescribed do not apply to taxation in any year prior to 1974.

s. 94,
amended

- 2.** Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by striking out "January" in the fourth line and inserting in lieu thereof "October".

s. 95,
amended

- 3.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by striking out "1974" in the second line and in the fifth line and inserting in lieu thereof in each instance "1976".

s. 96,
amended

- 4.** Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20, is further amended by striking out "1974" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "1975".

s. 97 (4),
amended

- 5.—(1)** Subsection 4 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2, is amended,

- (a) by striking out ", during the year 1973," in the second line; and
- (b) by striking out "1973" in the seventh line, the eleventh line and the twelfth line and inserting in lieu thereof in each instance "in which such named day occurs".

s. 97 (5),
amended

- (2) Subsection 5 of the said section 97 is amended,

- (a) by striking out "during the year 1973" in the first and second lines;
- (b) by striking out "August, 1973" in the seventh and eighth lines and inserting in lieu thereof "December in the year in which such named day occurs"; and
- (c) by striking out "the year 1973" in the ninth line and in the sixteenth line and inserting in lieu thereof in each instance "such year".

s. 97 (6),
amended

- (3) Subsection 6 of the said section 97 is amended,

- (a) by striking out ", during the year 1973," in the second line; and
- (b) by striking out "1973" in the ninth line and inserting in lieu thereof "in which such named day occurs".

- 6.**—(1) Section 5 of *The Assessment Amendment Act, 1971*, being 1971, c. 79,
chapter 79, is repealed.
s. 5,
repealed
- (2) Subsection 1 of section 14 of the said Act is amended<sup>s. 14 (1),
amended</sup> by striking out “5” in the first line.
- (3) Subsection 3 of the said section 14 is amended by<sup>s. 14 (3),
amended</sup> striking out “Sections 5 and 9 come” in the first line
and inserting in lieu thereof “Section 9 comes”.
- 7.** This Act comes into force on the day it receives Royal Assent.
Commencement
- 8.** This Act may be cited as *The Assessment Amendment Act, Short title
1973 (No. 2)*.

BILL 249

An Act to amend
The Assessment Act

1st Reading

November 23rd, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. A. GROSSMAN
Minister of Revenue

CAZON

For health

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BILL 250

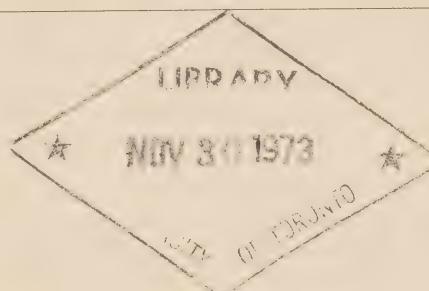
-B 56

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Justices of the Peace Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment changes the person who examines the qualifications of a candidate for appointment as a justice of the peace from a county court judge to a provincial court judge.

SECTION 2. The amendment requires everything done by a justice of the peace to be authorized by one of the chief judges of provincial courts or a judge designated by him.

SECTION 3. The Justices of the Peace Review Council is established with functions similar to corresponding bodies for provincial judges and coroners.

BILL 250

1973

**An Act to amend
The Justices of the Peace Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Justices of the Peace Act*, ^{s. 2 (2), amended} being chapter 231 of the Revised Statutes of Ontario, 1970, is amended by striking out "the judge of the county or district court" in the third and fourth lines and inserting in lieu thereof "a provincial judge of the provincial courts (criminal division)".
2. Sections 6 and 7 of the said Act are repealed and the following substituted therefor: <sup>s. 6, re-enacted
s. 7, repealed</sup>

6.—(1) A justice of the peace acting within his territorial jurisdiction may exercise those powers and perform those duties conferred or imposed upon a justice of the peace by an Act of the Legislature or of the Parliament of Canada or by a municipal by-law when so directed by the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division), or by a provincial judge designated by either of them. ^{Duties assigned by chief judges}

(2) Subject to subsection 3, the chief judge of the provincial courts (criminal division) or a provincial judge ^{and supervision} designated by him shall have general direction and supervision over the duties and sittings of justices of the peace.

(3) The chief judge of the provincial courts (family division) or a provincial judge designated by him shall have general direction and supervision over the duties and sittings of justices of the peace in respect of matters pertaining to the business of the provincial court (family division). ^{Idem}

3. The said Act is amended by adding thereto the following section: ^{s. 9, enacted}

9.—(1) There shall be a Justices of the Peace Review Council composed of, ^{Justices of the Peace Review Council}

- (a) the chief judge of the provincial courts (criminal division);
- (b) the chief judge of the provincial courts (family division); and
- (c) the senior provincial judge for the county or district concerned in the matter being considered by the Council.

Substitution
in absence of
senior judge

(2) The Attorney General may designate a provincial judge in a county or district to act as a member of the Justices of the Peace Review Council in the absence of the senior provincial judge in the county or district.

Functions
of Council

(3) The functions of the Justices of the Peace Review Council are,

- (a) to review the conduct of and performance of duties by justices of the peace in the county or district;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by justices of the peace in the county or district or their inability to perform their duties;
- (c) to take such action to investigate complaints as the Council considers advisable including the review thereof with the justice of the peace where appropriate, and after giving the justice of the peace an opportunity to be heard, to make such recommendations to the Attorney General with respect thereto as it sees fit.

Suspension
from duties

(4) Where an investigation of a complaint is undertaken under clause c of subsection 3, the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division) may suspend the justice of the peace from the performance of his duties until the Attorney General otherwise directs.

Advising
Attorney
General

(5) The proceedings of the Justices of the Peace Review Council shall not be public, but it may inform and advise the Attorney General respecting matters that it has investigated or reviewed.

Powers

1971, c. 49

(6) For the purposes of an investigation under this section, the Justices of the Peace Review Council has the powers of a commission under Part II of *The Public Inquiries*

Act, 1971, which Part applies to the investigation as if it were an inquiry under that Act.

(7) No action or other proceeding for damages shall be Protection from liability instituted against the Justices of the Peace Review Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

4. This Act comes into force on the 1st day of January, 1974.^{Commencement}
5. This Act may be cited as *The Justices of the Peace Amendment Act, 1973*.^{Short title}

BILL 250

An Act to amend
The Justices of the Peace Act

1st Reading

November 26th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

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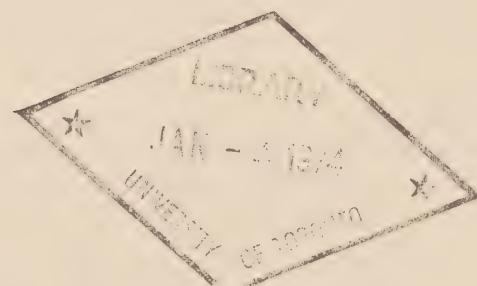
Government
Publications

BILL 250

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Justices of the Peace Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 250**1973**

**An Act to amend
The Justices of the Peace Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Justices of the Peace Act*, ^{s. 2 (2), amended} being chapter 231 of the Revised Statutes of Ontario, 1970, is amended by striking out "the judge of the county or district court" in the third and fourth lines and inserting in lieu thereof "a provincial judge of the provincial courts (criminal division)".
2. Sections 6 and 7 of the said Act are repealed and the following substituted therefor: ^{s. 6, re-enacted s. 7, repealed}

6.—(1) A justice of the peace acting within his territorial jurisdiction may exercise those powers and perform those duties conferred or imposed upon a justice of the peace by an Act of the Legislature or of the Parliament of Canada or by a municipal by-law when so directed by the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division), or by a provincial judge designated by either of them. ^{Duties assigned by chief judges}

(2) Subject to subsection 3, the chief judge of the provincial courts (criminal division) or a provincial judge ^{and supervision} designated by him shall have general direction and supervision over the duties and sittings of justices of the peace. ^{Direction and supervision}

(3) The chief judge of the provincial courts (family division) or a provincial judge designated by him shall have general direction and supervision over the duties and sittings of justices of the peace in respect of matters pertaining to the business of the provincial court (family division). ^{Idem}

3. The said Act is amended by adding thereto the following section: ^{s. 9, enacted}

9.—(1) There shall be a Justices of the Peace Review Council composed of, ^{Justices of the Peace Review Council}

- (a) the chief judge of the provincial courts (criminal division);
- (b) the chief judge of the provincial courts (family division); and
- (c) the senior provincial judge for the county or district concerned in the matter being considered by the Council.

Substitution
in absence of
senior judge

(2) The Attorney General may designate a provincial judge in a county or district to act as a member of the Justices of the Peace Review Council in the absence of the senior provincial judge in the county or district.

Functions
of Council

(3) The functions of the Justices of the Peace Review Council are,

- (a) to review the conduct of and performance of duties by justices of the peace in the county or district;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by justices of the peace in the county or district or their inability to perform their duties;
- (c) to take such action to investigate complaints as the Council considers advisable including the review thereof with the justice of the peace where appropriate, and after giving the justice of the peace an opportunity to be heard, to make such recommendations to the Attorney General with respect thereto as it sees fit.

Suspension
from duties

(4) Where an investigation of a complaint is undertaken under clause c of subsection 3, the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division) may suspend the justice of the peace from the performance of his duties until the Attorney General otherwise directs.

Advising
Attorney
General

(5) The proceedings of the Justices of the Peace Review Council shall not be public, but it may inform and advise the Attorney General respecting matters that it has investigated or reviewed.

Powers
1971, c. 49

(6) For the purposes of an investigation under this section, the Justices of the Peace Review Council has the powers of a commission under Part II of *The Public Inquiries*

Act, 1971, which Part applies to the investigation as if it were an inquiry under that Act.

(7) No action or other proceeding for damages shall be instituted against the Justices of the Peace Review Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

4. This Act comes into force on the 1st day of January, 1974.^{Commencement}
5. This Act may be cited as *The Justices of the Peace Amendment Act, 1973*.^{Short title}

DRAFT

An Act to amend
The Justices of the Peace Act

1st Reading

November 26th, 1973

2nd Reading

November 30th, 1973

3rd Reading

December 4th, 1973

THE HON. D. A. BALES
Attorney General

~~Legislative Assembly~~
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BILL 251

-B 56

Government
Publicatio...
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

The Juries Act, 1973

THE HON. D. A. BALES
Attorney General



TORONTO

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EXPLANATORY NOTE

The Bill re-enacts *The Jurors Act*. The new Act would,

1. abolish grand juries;
2. shorten the list of exempted occupations;
3. modernize the procedures for selection and return of jurors, including the deletion of county selectors;
4. consolidate recent amendments.

BILL 251**1973****The Juries Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "county" includes a district;
- (b) "county court" includes a district court;
- (c) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 230, s. 1; 1973, c. 81, s. 1, *amended*.

ELIGIBILITY**2.** Subject to sections 3 and 4, every person who,Eligible
jurors

- (a) resides in Ontario;
- (b) is a Canadian citizen; and
- (c) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides. 1973, c. 81, s. 2, *amended*.

3.—(1) The following persons are ineligible to serve as <sup>Ineligible
occupations</sup> jurors:

1. Every member of the Privy Council of Canada or the Executive Council of Ontario.
2. Every member of the Senate, the House of Commons of Canada or the Assembly.
3. Every judge.
4. Every barrister and solicitor and every student-at-law.
5. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, coroners, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lockups, sheriff's officers and constables, police officers and constables, and officers of a court of justice.
6. The husband or wife of each person mentioned in paragraph 3, 4 or 5.
7. Every ordained minister, priest or clergyman under any form or profession or of any faith or worship, licensed to perform marriages in Ontario.
8. Every person who is a member of a religious order vowed to live in a convent, monastery or other like religious community. R.S.O. 1970, c. 230, s. 3 (1); 1973, c. 81, s. 5.

**Connection
with court
action at
same sittings**

(2) Every person who is under subpoena or is likely to be called as a witness in a civil or criminal proceeding or has an interest in an action is ineligible to serve as a juror at any sittings of a court at which such proceeding or action might be tried.

**Previous
service**

(3) Every person who has received fees for attending sittings of a court as a juror at any time within three years preceding the year for which the jury roll is prepared is ineligible to serve as a juror for that year. R.S.O. 1970, c. 230, s. 3 (3), amended.

**Ineligibility
for personal
reasons**

4. A person is ineligible to serve as a juror who,
 - (a) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;
 - (b) is not in the possession of his natural faculties; or

- (c) has been convicted of an indictable offence, unless he has subsequently been granted a pardon. 1973, c. 81, s. 4.

PREPARATION OF JURY ROLLS

5.—(1) The sheriff of a county shall on or before the 15th day of September in each year determine for the ensuing year ^{Number of jurors on roll} for the county,

- (a) the number of jurors that will be required for each sittings of,

- (i) the Supreme Court,
- (ii) the court of general sessions of the peace in the county, and
- (iii) the county court in the county; and

- (b) the aggregate number of jurors that will be so required.

(2) In a provisional judicial district, after the sheriff has determined the number of jurors that will be required as ^{Number of jurors in districts} jury panels for service at the courts during the ensuing year, he shall fix the total number of jurors for the Supreme Court, and for the inferior courts, that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization.

(3) The sheriff shall forthwith upon making his determination under subsection 1 certify and transmit, ^{Transmission of resolutions}

- (a) to the Director of Assessment, a copy of the determination declaring the aggregate number of jurors required for all courts in the county in the ensuing year;
- (b) to the office of the Registrar of the Supreme Court, a copy of the determination for the number of jurors under subclause i of clause a of subsection 1; and
- (c) to the clerk of the county court in the county, copies of the determinations for the number of jurors under subclauses ii and iii of clause a of subsection 1. 1973, c. 81, s. 5, *part*.

6.—(1) The Director of Assessment shall in each year on ^{Jury service notices} or before the 31st day of October cause a jury service notice,

together with a return to the jury service notice in the form prescribed by the regulations and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to such number of persons in each county, selected in such manner as is provided in this section.

Number of persons notified

(2) The jury service notice shall be mailed in accordance with subsection 1 to a number of persons that is four times the aggregate number of jurors declared to be required for the sittings of the courts in the county in the ensuing year under clause *b* of subsection 1 of section 5.

Selection of persons notified

(3) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*,

R.S.O. 1970,
c. 32

(a) at the time of the census, resided in the county and were Canadian citizens; and

(b) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

Application of s. 6 to municipalities

(4) In a provisional judicial district for the purposes of subsections 2 and 3, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required is the number fixed under subsection 2 of section 5 to be selected from municipalities.

Address for mailing

(5) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

When service deemed made

(6) For the purposes of subsection 7, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed

establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control did not receive the notice or order, or did not receive the notice or order until a later date.

(7) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

(8) The Director of Assessment shall furnish to the sheriff of the county a list of persons in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury service notices to the persons shown on the list.

(9) In the selecting of persons for entry in the jury roll in a county or district in which an Indian reserve is situate, the sheriff shall select names of eligible persons inhabiting the reserve in the same manner as if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available.

1973, c. 81, s. 5, *part, amended.*

7. The sheriff shall in each year prepare a roll called the jury roll in the form prescribed by the regulations.

1973, *part, amended.*

8.—(1) The sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return to be eligible for jury service, to be entered in the jury roll alphabetically arranged and numbered consecutively.

(2) The sheriff may, with the written approval of the local judge of the High Court, omit the name from the roll where it appears such person will be unable to attend for jury duty.

(3) If the number of names entered in the jury roll, as determined from the returns to jury service notices, is fewer than three times the number required under clause *b* of subsection 1 of section 5, the sheriff shall request the Director

of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as may be required to obtain the requisite additional number of names.

Supplying
of supple-
mentary
names

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 6 applies *mutatis mutandis* with respect to the number of additional jury service notices requested by the sheriff to be mailed as if it were the number specified in subsection 2 of section 6. 1973, c. 81, s. 5, *part, amended*.

Selection
from
unorganized
territory

(5) In a provisional judicial district, the sheriff shall select names of eligible persons who reside in the district outside territory with municipal organization in the numbers fixed under subsection 2 of section 5 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. 1973, c. 81, s. 7, *part, amended*.

Delivery
of roll
to clerk
of peace

9. As soon as he has completed the jury roll but not later than the 1st day of December in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver the jury roll to the clerk of the peace, but the judge of the county court may extend the time for delivery for such reasons as he considers sufficient. 1973, c. 81, s. 5, *part, amended*.

Extension
of times

10. The Chief Justice of the High Court may, upon the request of the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jury roll for the county to such date as he considers appropriate and may authorize the continued use of the latest jury roll until the dates so fixed. 1973, c. 81, s. 5, *part, amended*.

Additions to
roll by
sheriff

11.—(1) Where there are no persons or not a sufficient number of persons on the proper jury roll, the sheriff may add additional names from the jury roll for the nearest preceding year for which there is a jury roll or certified copy thereof in existence.

Certifi-
cation of
additions
by sheriff

(2) The additional names added to the jury roll under this section shall be entered thereon and certified by the sheriff. R.S.O. 1970, c. 230, s. 43, *amended*.

JURY PANELS

Issuance
of precepts

12.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme

Court, and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may respectively issue precepts in the form prescribed by the regulations to the sheriff for the return of such number of jurors as the sheriff has determined as the number to be drafted and returned or such greater or lesser number as in their or his opinion is required. R.S.O. 1970, c. 230, s. 45 (1), *amended*.

(2) The proper officer in the office of the Registrar of the Supreme Court at Toronto, shall procure the precepts for the return of panels of jurors required for the sittings of the Supreme Court, and transmit them to the sheriffs as soon as conveniently may be after the day has been appointed for the sittings for which the jurors are required. R.S.O. 1970, c. 230, s. 50.

13.—(1) Where a judge of the Supreme Court considers it necessary that the jurors to form the panel for a sitting of the Supreme Court be summoned in more than one set, he may direct the sheriff to return such number of jurors in such number of sets on such day for each set as he thinks fit. R.S.O. 1970, c. 230, s. 52 (1), *amended*.

(2) The sheriff shall divide such jurors into as many sets as are directed, and shall in the summons to every juror specify at what time his attendance will be required.

(3) Each set shall for all purposes be deemed a separate panel. R.S.O. 1970, c. 230, s. 52 (2, 3).

14.—(1) The judge of the county court, if after the issue of the precept it appears to him expedient, may at any time before the day appointed for the sittings of the Supreme Court, by order under his hand and seal, and the judge assigned to hold the sittings or the presiding judge may, at any time before or during the sittings of such court, by order under his hand and seal, direct the sheriff to return an additional number of jurors.

(2) The judge of the county court, after the issue of the precept, at any time before or during the sittings of the county court or court of general sessions of the peace, by order under his hand and seal, may direct the sheriff to return an additional number of jurors.

(3) The sheriff, upon the receipt of any such order, shall forthwith draft such additional number of jurors in the manner provided by this Act, and shall add their names to the panel list, and shall forthwith thereafter summon them, and where

there are not a sufficient number of jurors on the jury roll for the purpose of the additions, section 11 applies. R.S.O. 1970, c. 230, s. 48, *amended*.

When same panels for general sessions and county courts

15. Where the same day is appointed for holding the court of general sessions of the peace and the sittings of the county court, the sheriff may return the same panel to the precepts for the panels of jurors. R.S.O. 1970, c. 230, s. 51.

How sheriffs to draft panels of jurors

16. Every sheriff to whom a precept for the return of jurors is directed shall, to such precept, return a panel list of the names of the jurors contained in the jury roll, whose names shall be drafted from such roll in the manner hereinafter mentioned. R.S.O. 1970, c. 230, s. 56.

Sheriff to draft panel

17. Upon receipt of the precept, the sheriff shall post up in his office written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and he shall draft the panel by ballot from the jury roll in the presence of the clerk of the peace or his delegate and a justice of the peace who shall attend upon reasonable notice from the sheriff. R.S.O. 1970, c. 230, s. 59 (1), *amended*.

How sheriff to prepare a panel

18.—(1) Before proceeding to draft a panel of jurors from a jury roll, the sheriff shall prepare a proper title or heading for the list of jurors to be returned, to which he shall fix an appropriate number according as such panel is the first, second, third or subsequent panel drafted from such jury roll, and the title or heading shall set forth the number of jurors to be returned.

Ballots for drafting panel

(2) The sheriff shall then append to such title or heading a list of numbers from "1" forward to the number required, and shall prepare a set of ballots of uniform and convenient size containing the same number of ballots as there are numbers on the jury roll, allowing one number to each ballot, which number shall be printed or written on it, and he shall then proceed to draft the panel of jurors. R.S.O. 1970, c. 230, s. 62.

How panel of jurors to be drafted

19. The manner of drafting the panel shall be as follows:

1. The sheriff shall place the ballots in a container and shall cause it to be shaken so as sufficiently to mix the ballots, and he shall then openly draw from the container indiscriminately one of the ballots and declare openly the number on such ballot whereupon the clerk of the peace or his delegate, or the justice of the peace in attendance shall immediately declare

aloud the name of the person opposite whose name the corresponding number is placed on the jury roll.

2. If such person is not eligible to serve as a juror, the sheriff shall declare the fact of such ineligibility, and that the name of the person so drafted is, for that reason, not inserted in the panel list.
3. If no such cause appears for omitting the name of such person from the panel list, the name and occupation of the person whose name has been so drafted shall be thereupon recorded, and shall be marked by the sheriff on the jury roll, with a reference to the number that will belong to the panel.
4. The sheriff shall then proceed in like manner to draft and dispose of other numbers from the container, until the necessary number for the panel has been completed, and such drafting and disposing of the numbers from the container shall be done so that the panel list when completed will not contain the name of a husband and his wife.
5. The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll, with a reference to the number that belongs to the name on the panel list.
6. The panel list so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, present at such drafting, or of at least two of them, shall then be recorded and attested by the signatures of the sheriff, or his deputy, and of the clerk of the peace or his delegate and the justice of the peace, or at least two of them and such panel list shall be retained in the custody of the clerk of the peace. R.S.O. 1970, c. 230, s. 63, amended.

- 20.** The sheriff shall, upon his return to the precept, annex thereto the panel list containing the names, and places of residence, and occupations of the persons so drafted, and
- Copies of panel to be transmitted

shall transmit one copy thereof to the office of the Registrar of the Supreme Court at Toronto, or to the local registrar, or to the clerk of the county court, as the case may be. R.S.O. 1970, c. 230, s. 64, *amended*.

Jurors to be summoned
10 or 15 days before attendance required

21.—(1) The sheriff shall summon every person drafted to serve on juries, by sending to him by registered mail a notice in writing in the form prescribed by the regulations under the hand of the sheriff, at least thirty days before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such thirty days service is not necessary. R.S.O. 1970, c. 230, s. 66 (1), *amended*.

Excusing
of juror

(2) The sheriff may, with the written approval of the local judge of the High Court, excuse any person summoned for a jury sittings on the grounds of illness or hardship but unless the judge directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are no further sittings in that year, in a panel to be returned for a sittings in the year next following. *New.*

Secrecy of
jury roll
and panel

22. The jury roll and every list containing the names of the jury drafted for any panel shall be kept under lock and key by the sheriff and every officer mentioned in section 17 or 20 having a copy thereof, and except in so far as may be necessary in order to prepare the panel lists, and serve the jury summons, shall not be disclosed by the sheriff, his deputy, officer, clerk, or by any officer mentioned in section 17 or 20, or by any other person, until ten days before the sittings of the court for which the panel has been drafted, and during such period of ten days, the sheriff, or his deputy, and any officer mentioned in section 17 or 20 having a copy of the panel list shall permit the inspection at all reasonable hours of the jury roll and of the panel list or copy thereof in his custody by litigants or accused persons or their solicitors and shall furnish the litigants or accused persons or their solicitors, upon request and payment of a fee of \$2, with a copy of any such panel list. R.S.O. 1970, c. 230, s. 65, *amended*.

Counter-
mand where
no jury
cases

23.—(1) Where there is no business requiring the attendance of a jury at a sittings of a court in respect of which a precept has been issued,

- (a) the clerk of the court or local registrar, as the case may be, where the sittings is for the trial of actions; or
- (b) the Crown attorney where the sittings is for the trial of criminal prosecutions,

shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required. R.S.O. 1970, c. 230, s. 66 (3, 4), *amended*.

(2) Where the business of the court does not require the attendance of the jurors until a day after the day upon which the sittings is to commence, the appropriate officer determined under subsection 1 shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required until such later day as is specified in the notice. R.S.O. 1970, c. 230, s. 47 (1), *amended*.

(3) Subject to subsection 5, the sheriff, upon receipt of such notice, shall forthwith by registered mail or otherwise, as he considers expedient, notify in the form prescribed by the regulations each person summoned to serve as a juror that his attendance at the sittings is not required or is not required until the day specified in the notice, and in case any person so summoned attends after receiving such notice or before the day specified, as the case may be, he is not entitled to any fees or mileage for attendance.

(4) Where, after the giving of such notice, a juror so summoned attends the sittings contrary to the notice and the sheriff is satisfied that the notice was not received prior to the attendance and that the juror attended in good faith, believing his attendance on that day to be necessary, the sheriff shall allow the juror his fees and mileage allowance. R.S.O. 1970, c. 230, s. 66 (5, 6), *amended*.

(5) In the case of a sittings of the Supreme Court for the trial of criminal matters and proceedings, or in the case of a sittings of the court of general sessions of the peace, the sheriff shall not give the notice mentioned in subsection 3 unless he is satisfied that there is no prisoner in custody awaiting trial at the sittings. R.S.O. 1970, c. 230, s. 66 (8).

24.—(1) Where a judge of the Supreme Court considers it necessary, he may direct that the jurors summoned for a sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

(2) Where the judge of a county court considers it necessary, he may direct that the jurors summoned for jury sittings of the county court or the court of general sessions of the peace,

or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel. 1972, c. 112, s. 6.

Excusing
of juror

25. The local judge of the High Court may excuse any juror summoned for a jury sittings from attending the sittings on the grounds of illness or hardship and may direct that the service of a person so excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in the year or in a panel to be returned for a sittings in the year next following. 1973, c. 81, s. 8, *amended*.

Release
of jurors
by judge

26.—(1) Any number of jurors summoned for a jury sittings of the Supreme Court or of the county court or court of general sessions of the peace may, until resummoned by direction of a judge, be released from service or further service, as the case may be, at any time before the sittings by the local judge of the High Court. R.S.O. 1970, c. 230, s. 49 (1), *amended*.

Release
of jurors
during
sittings

(2) The judge presiding at the sittings may release such jurors as, in his opinion, will not be immediately required, and the release may be for the remainder of the sittings or until the judge directs that they be summoned to reattend. R.S.O. 1970, c. 230, s. 49 (4).

Panel

(3) Where jurors have been released under this section, the remaining jurors constitute the panel and where released jurors are resummoned under this section they are added to the panel. R.S.O. 1970, c. 230, s. 49 (5), *amended*.

Fees

(4) Where jurors are released under this section, they are not entitled to receive the fees provided by this Act during the period of release. R.S.O. 1970, c. 230, s. 49 (6).

The
Supreme
Court may
issue
precepts as
heretofore

27. Subject to this Act, the Supreme Court and the judges thereof have the same power and authority as heretofore in issuing any precept, or in making any award or order, orally or otherwise, for the return of a jury for the trial of any issue before the court, or for amending or enlarging the panel of jurors returned for the trial of any such issue, and the return to any precept, award or order shall be made in the manner heretofore used and accustomed, and the jurors shall, as heretofore, be returned from the body of the county, and shall be eligible according to this Act. R.S.O. 1970, c. 230, s. 53.

County
courts

28. The provisions of this Act respecting the issue of precepts for the return of a general panel of jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect

to the sittings of courts of general sessions of the peace and of county courts. R.S.O. 1970, c. 230, s. 55, *amended*.

ACTIONS TRIED BY JURY

29. Subject, in the case of an action in the Supreme Court, When actions to be entered for trial to any order made by a judge of that court, and in the case of an action in the county court, to any order made by a judge of the county court, actions to be tried by a jury, whether in the Supreme Court or the county court, shall be entered for trial not later than six clear days before the first day of the sittings, but no order extending the time shall be made after the summons has been given by the sheriff to the jurors. R.S.O. 1970, c. 230, s. 66 (2), *amended*.

DRAWING JURY AT TRIAL

30.—(1) The name of every person summoned to attend as a juror at a sittings of the Supreme Court, the court of general sessions of the peace, or county court, with his place of residence, occupation, and number on the panel list shall be written distinctly by the sheriff on a card or paper, as nearly as may be of the form and size following, viz.: Empanelling jury at the trial

15. DAVID BOOTH

OF LOT No. 11, IN THE 7TH CON. OF ALBION

MERCHANT

and the names so written shall, under the direction of the sheriff, be put together in a container to be provided by him for that purpose, and he shall deliver it to the clerk of the court. R.S.O. 1970, c. 230, s. 70.

(2) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the container to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the container to be shaken after the drawing of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages. How the clerk is to proceed to draw names

(3) The cards or papers containing the names of persons so drawn and sworn shall be kept apart until the jury has given in its verdict, and it has been recorded, or until the jury has been by consent of the parties, or by leave of the court, discharged. Names drawn to be kept apart etc.

and shall then be returned to the container there to be kept with the other cards or papers remaining therein. R.S.O. 1970, c. 230, s. 71.

Selection
of juries
in advance

31. A jury may be selected in accordance with section 30 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sittings and shall attend for service upon the summons of the sheriff. R.S.O. 1970, c. 230, s. 72.

Several
causes
may be tried in
succession
by the same
jury

32. Notwithstanding sections 30 and 31, where no objection is made on the part of the Crown, or any other party, the court may try any issue or assess damages with the jury previously drawn to try any other issue, or to assess damages, without the cards or papers containing their names being returned to the container and redrawn, or may order any of the jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the court, to retire and may cause another name or other names to be drawn from the container, and shall try the issue or assess the damages with the residue of the original jury and the new jurors who appear and are approved as indifferent. R.S.O. 1970, c. 230, s. 73.

If a full
jury does
not appear
a tales may
be granted

33.—(1) Where a full jury does not appear at a sittings of the Supreme Court, or at a sittings of the county court or of the court of general sessions of the peace, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury.

Adding
names of
talesmen

(2) Where a full jury does not appear, the names of the persons so returned shall be added to the panel returned upon the precept. R.S.O. 1970, c. 230, s. 74.

How jury to
be composed

34. The presiding judge before whom a civil case is or may be heard may in his discretion on an application made by or on behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require. R.S.O. 1970, c. 230, s. 75, *amended*.

The sheriff
to note on
rolls names
of jurors
who do not
serve

35. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury roll from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. 1973, c. 81, s. 10, *part*.

CHALLENGES

36. If a person not eligible is drawn as a juror for the trial ^{Lack of eligibility} of an issue in any matter or proceeding, the want of eligibility is a good cause of challenge. 1973, c. 81, s. 10, *part.*

37. In any cause, the plaintiff or plaintiffs, on one side, and ^{Peremptory challenges in civil cases} the defendant or defendants, on the other, may challenge peremptorily any four of the jurors drawn to serve on the trial, and such right of challenge extends to the Crown when a party. R.S.O. 1970, c. 230, s. 78.

38. In a matter or proceeding to which a municipal corporation, other than a county, is a party, every ratepayer, and ^{Ratepayers, officers, etc., of municipality} every officer or servant of the corporation, is for that reason, liable to challenge as a juror. R.S.O. 1970, c. 230, s. 79. ^{may be challenged}

GENERAL

39.—(1) Such fees and allowances as are prescribed under ^{Fees payable to jurors, selectors, etc.} *The Administration of Justice Act* shall be paid to, ^{c. 6} R.S.O. 1970,

- (a) every juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court; and
- (b) the justice of the peace in attendance for each panel drafted under section 17. 1971, c. 9, s. 5; 1973, c. 81, s. 12, *amended.*

(2) With every record entered for trial of issues or assessment of damages by a jury in the Supreme Court there shall be paid to the Registrar or the local registrar of the Supreme Court, as the case may be, such sum as is prescribed under *The Administration of Justice Act*, and the record shall not be entered unless such sum is first paid. R.S.O. 1970, c. 230, s. 87. ^{Sums to be paid with record when entered for trial in jury cases}

40.—(1) The clerk of the court or the sheriff or his officer ^{List of jurors to be called} shall, at the opening of the court and before any other business is proceeded with, call the names of the jurors, and the sheriff or his officer shall record those who are present or absent. R.S.O. 1970, c. 230, s. 85, *amended.*

(2) The sheriff shall keep a record of the payment of fees ^{Record of fees paid} to jurors for attending sittings of a court. *New.*

(3) A juror not appearing when called is not entitled to ^{Jurors not attending paid} pay for the day on which he makes default. R.S.O. 1970, c. 230, s. 86, *not to be paid*.

Regulations **41.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing any form required or permitted by this Act to be prescribed by the regulations;
- (b) prescribing the manner of keeping jury rolls and lists of jury panels and records thereof and requiring and prescribing the form of the certification or authentication of entries therein. *New.*

Offences **42.—(1)** Every person who,

- (a) wilfully makes or causes to be made any alteration in any roll or panel or in any certified copy thereof except in accordance with this Act;
- (b) falsely certifies any roll or panel; or
- (c) influences or attempts to influence the selection of persons for inclusion in or omission from any jury roll or panel, except in a proper procedure under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 230, s. 92, *amended*.

Idem (2) Every person who,

- (a) being a sheriff or clerk of the peace, or the clerk or registrar of a court, refuses to perform any duty imposed on him by this Act; or
- (b) being a bailiff or other person acting for a sheriff, wilfully summons or pretends to summon any person to serve as a juror other than those whose names are specified in a warrant signed by the sheriff and directed to the bailiff or other person,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 230, s. 93, *amended*.

Idem (3) Every person who is required to complete a return to a jury service notice and who,

- (a) without reasonable excuse fails to complete the return or mail it to the sheriff as required by subsection 7 of section 6; or

- (b) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. 1973, c. 81, s. 14.

(4) For the purposes of subsection 3, where the sheriff Evidence of
not mailing fails to receive a return to a jury service notice within five days from the date on which it was required by this Act to be mailed, such failure is *prima facie* proof that the person required to mail it to the sheriff failed to do so in the time required.

(5) A statement as to the receipt or non-receipt of a return Certificate
as evidence to a jury service notice purporting to be certified by the sheriff is, without proof of the appointment or signature of the sheriff, receivable in evidence as *prima facie* proof of the facts stated therein in any prosecution under subsection 3. *New.*

43. Every person is in contempt of court who, without Contempt
of court, reasonable excuse,

- (a) having been duly summoned to attend on a jury, does not attend in pursuance of the summons, or being there called does not answer to his name; or
- (b) being a juror or talesman, after having been called, is present but does not appear, or after his appearance wilfully withdraws himself from the presence of the court; or
- (c) being a sheriff, wilfully empanels and returns to serve on a jury a person whose name has not been duly drawn upon the panel in the manner prescribed in this Act; or
- (d) being a registrar, clerk of the peace, or other officer wilfully records the appearance of a person so summoned and returned who has not actually appeared. R.S.O. 1970, c. 230, ss. 89, 91, *amended.*

44.—(1) Every person is in contempt of court who, being Idem.
tampering
with jurors interested in an action that is or is to be entered for trial or with jurors may be tried in the court, or being the solicitor, counsel, agent or emissary of such person, before or during the sittings or at any time after a juror on the jury panel for such court, has been summoned knowingly, directly or indirectly, speaks to or consults with the juror respecting such action or any

matter or thing relating thereto. R.S.O. 1970, c. 230, s. 95 (1), *amended*.

Barrister,
solicitor or
student to
be disbarred
or
suspended

(2) Where a solicitor or barrister or student at law or articled clerk is guilty of such offence he may, in addition to any other penalty, be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list of the Law Society or removed therefrom for a limited time by the Supreme Court upon motion at the instance and in the name of the Attorney General.

Exception
where juror
is a party
or witness

(3) This section does not apply where a juror is also a party to or a known witness or interested in the action or is otherwise ineligible as a juror in the action, nor to anything that may properly take place in the course of the trial or conduct of the action. R.S.O. 1970, c. 230, s. 95 (2, 3).

Posting up
copies of
s. 127 (2, 3) of
Criminal Code

R.S.C. 1970,
c. C-34

45. The sheriff shall at the sittings of the Supreme Court or county court for trials by jury and the court of general sessions of the peace post up in the court room and jury rooms and in the general entrance hall of the court house, printed copies in conspicuous type of subsections 2 and 3 of section 127 of the *Criminal Code* (Canada) and subsection 1 of section 44 of this Act. R.S.O. 1970, c. 230, s. 96.

Saving of
former
powers of
court and
judges
except as
altered

46. Nothing in this Act alters, abridges or affects any power or authority that any court or judge has, or any practice or form in regard to trials by jury, juries or jurors, except in those cases only where such power or authority, practice or form is repealed or altered, or is inconsistent with any of the provisions of this Act. R.S.O. 1970, c. 230, s. 97.

Omissions to
observe this
Act not to
vitiate the
verdict

47.—(1) The omission to observe any of the provisions of this Act respecting the eligibility, selection, balloting and distribution of jurors, the preparation of the jury roll or the drafting of panels from the jury roll is not a ground for impeaching or quashing a verdict or judgment in any action. R.S.O. 1970, c. 230, s. 81, *amended*.

Panel
deemed
properly
selected

(2) Subject to sections 36 and 38, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding. 1973, c. 81, s. 11.

R.S.O. 1970.
c. 230,
repealed

48.—(1) *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is repealed.

1971, c. 9,
repealed

(2) *The Jurors Amendment Act, 1971*, being chapter 9, is repealed.

(3) Paragraph 16 of the Schedule to *The Age of Majority Act, 1971*, being chapter 98, as amended by the Statutes of Ontario, 1972, chapter 112, section 2 and 1973, chapter 81, section 7, is repealed.

(4) *The Jurors Amendment Act, 1972*, being chapter 112, is repealed.

(5) *The Jurors Amendment Act, 1972 (No. 2)*, being chapter 170, is repealed.

(6) *The Jurors Amendment Act, 1973*, being chapter 81, is repealed.

49. Notwithstanding section 48, *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, continues to apply in respect of the empanelling, return and service of jurors in the year in which this Act comes into force.

50. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

51. This Act may be cited as *The Juries Act, 1973*. Short title

The Juries Act, 1973

1st Reading

November 27th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

CAZON
XB

-B 56

BILL 252

Government
Public
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to provide for the
Inspection of Public Institutions by Public Visitation

THE HON. D. A. BALES
Attorney General



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the inspection of public institutions by a panel selected from the jury roll to replace the public inspection function of grand juries which are abolished under the new *Juries Act, 1973.*

BILL 252**1973**

**An Act to provide for the
Inspection of Public Institutions by
Public Visitation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,
- Interpre-tation
- (a) "judge" means a county or district court judge;
 - (b) "panel" means the public institutions inspection panel.

2.—(1) The judge of every county or district shall, on the first Monday in May and November in each year, convene a public institutions inspection panel composed of seven persons selected from the jury roll prepared under *The Juries Act, 1973* for the county or district court. 1973, c....

(2) *The Juries Act, 1973* applies to the selection, recording, summoning, attendance and service of the persons for service on a public institutions inspection panel in the same manner as to the selection, recording, summoning, attendance and service of persons for service on a panel of jurors selected for a sittings of a court. Application of 1973, c....

(3) Payment of fees to a member of a panel shall be deemed to be payment of fees to a person for attending sittings of a court as a juror for the purposes of subsection 3 of section 3 of *The Juries Act, 1973*. Service counts as jury service

(4) The panel shall appoint one of its members to be chairman of the panel. Chairman

(5) The judge shall instruct the panel in its duties. Duty of judge

3.—(1) The judge may excuse any person summoned to serve on a panel from attending on grounds of illness or hardship. Excusing from duty

Exclusion for interest	(2) The judge may exclude any person summoned to serve on the panel where the judge believes that the duty of the person under this Act is or may be in conflict with another interest of such person.
Reduced panel	(3) Where, after the panel is convened, any person on the panel dies or becomes incapacitated from any cause or is excluded from serving by the judge under subsection 2, the judge may authorize the remainder of the panel to proceed with its duties under this Act.
Duties of panel	4. —(1) The panel may inspect all or any of the institutions in the county or district that are maintained in whole or in part by public money.
Lock-ups	(2) The panel shall inspect all lock-ups established for the county or district.
Report	(3) Every panel that makes such an inspection shall prepare a report indicating the conditions found to be existing in each of the institutions inspected and with respect to lock-ups indicating whether any persons are being held therein improperly or for an unreasonable length of time pending trial or other disposition.
Time for completion	(4) The inspections shall be completed within two weeks after the panel is convened but the judge may extend the time for completion of the inspection and during such period of extension the inspection is subject to the control and direction of the judge.
Powers of inspection	5. —(1) Subject to any agreement between the chairman and the institution, the panel may, after a request for entry by the chairman, enter any public institution the panel is entitled to inspect under section 4 at any time during reasonable business hours and may inspect therein all parts of the premises, and any documents, records, files or accounts in the custody of the institution, and the panel or any member thereof may interrogate any person on the premises concerning any matter respecting the affairs, administration and operation of the institution.
Offence	(2) Any person who wilfully obstructs an inspection by a panel or any member thereof under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.
Delivery of report	6. —(1) The panel shall submit its report to the judge sitting in open court.

(2) The judge to whom a report is submitted shall forward a copy of the report to the Attorney General.

(3) The report submitted to the judge shall be retained in the custody of the clerk of the county or district court as a public document.

7. The Lieutenant Governor in Council may make regulations prescribing the fees and allowances payable to members of panels.

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

9. This Act may be cited as *The Public Institutions Inspection Act, 1973.*

An Act to provide
for the Inspection of Public
Institutions by Public Visitation

1st Reading

November 27th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CAZON

XB

-B 56

BILL 253

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Regional Municipality of Hamilton-Wentworth
Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment permits employees of the City of Hamilton who become employees of the Regional Corporation to continue their membership in Hamilton's retirement plan.

Subsection 2. The sick leave credits of employees who transfer to the regional Corporation are preserved, whether the Regional Corporation is obligated to employ them or whether they voluntarily join the Regional Corporation.

SECTION 2. Self-explanatory.

SECTION 3. The amendment empowers the land division committee to complete the disposition of any applications for consent that may have been pending before a committee of adjustment that is dissolved on the 31st day of December, 1973.

BILL 253

1973

**An Act to amend
The Regional Municipality of Hamilton-
Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 27 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding at the end thereof “and any employees who are members of the retirement plan established under By-law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees”.

(2) Subsection 3 of the said section 27 is amended by striking out “is required to employ” in the second line and inserting in lieu thereof “employs”.

2. Section 51 of the said Act is amended by adding thereto the following subsection:

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

3. Section 55 of the said Act is amended by adding thereto the following subsection:

(11) The land division committee constituted under section 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for consent that may have been pending before any such

committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

- 4.** Section 61 of the said Act is amended by adding thereto the following subsection:

Assets
and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (1),
amended

- 5.** -(1) Subsection 1 of section 73 of the said Act is amended by inserting after "subsections" in the sixth line "1".

s. 73 (3) (a),
amended

- (2) Clause *a* of subsection 3 of the said section 73 is amended by inserting after "and" in the eighth line "on and after the 1st day of January, 1974, in respect of service after such date".

s. 73 (5),
re-enacted

- (3) Subsection 5 of the said section 73 is repealed and the following substituted therefor:

Retirement
of present
members of
police of local
municipality

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force of a local municipality whose retirement age under By-law No. 7970 of the City of Hamilton was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining thirty-five years of service or sixty-five years of age whichever comes first and for the purpose of bargaining for benefits in the retirement plan established by the said By-law No. 7970 with the bargaining committee established under subsection 6, the Hamilton-Wentworth Police Board shall stand in the place and stead of The Corporation of the City of Hamilton and the provisions of *The Police Act* apply, *mutatis mutandis*, thereto.

R.S.O. 1970,
c. 351

s. 76,
amended

- 6.** Section 76 of the said Act is amended by adding thereto the following subsections:

Special
rates

(8) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional

SECTION 4. The functions transferred to the Regional Corporation under subsection 2 of section 61 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

SECTION 5.—Subsection 1. Similar in intent to subsection 1 of section 1 of the Bill, in relation to members of the Regional Police Force who were members of the City of Hamilton retirement plan.

Subsection 2. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Stoney Creek or Dundas Police Force.

Subsection 3. Self-explanatory.

SECTION 6. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

SECTION 7. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 8. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

SECTION 9. The effect of the amendment is to establish for the Town of Ancaster a general speed limit of 30 miles per hour rather than 50 miles per hour.

waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

7. Subsection 1 of section 115 of the said Act is amended by inserting after "44" in the third line "46".
 8. Section 117 of the said Act is amended by adding thereto the following subsection:
- (3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.
9. Subsection 1 of section 134 of the said Act is amended by adding at the end thereof "except the area municipality of the Town of Ancaster which shall be a town for the purpose of the said section 82".
 10. This Act comes into force on the day it receives Royal Assent.
 11. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1973*.

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

November 28th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(*Government Bill*)

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-B 56

BILL 253

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
Publications

An Act to amend
The Regional Municipality of Hamilton-Wentworth
Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment permits employees of the City of Hamilton who become employees of the Regional Corporation to continue their membership in Hamilton's retirement plan.

Subsection 2. The sick leave credits of employees who transfer to the regional Corporation are preserved, whether the Regional Corporation is obligated to employ them or whether they voluntarily join the Regional Corporation.

SECTION 2. Self-explanatory.

SECTION 3. The amendment empowers the land division committee to complete the disposition of any applications for consent that may have been pending before a committee of adjustment that is dissolved on the 31st day of December, 1973.

BILL 253**1973**

**An Act to amend
The Regional Municipality of Hamilton-
Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 27 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding at the end thereof “and any employees who are members of the retirement plan established under By-law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees”. s. 27 (1),
amended
- (2) Subsection 3 of the said section 27 is amended by striking s. 27 (3),
amended out “is required to employ” in the second line and inserting in lieu thereof “employs”.
2. Section 51 of the said Act is amended by adding thereto s. 51,
amended the following subsection:

(3) No area municipality shall open up, establish or Approval
required to
intersect
regional road assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

3. Section 55 of the said Act is amended by adding thereto s. 55,
amended the following subsection:

(11) The land division committee constituted under sub-section 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for consent that may have been pending before any such Land
division
committee
stands in
place of
committee of
adjustment

committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

4. Section 61 of the said Act is amended by adding thereto the following subsection:

Assets
and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (1),
amended

5.—(1) Subsection 1 of section 73 of the said Act is amended by inserting after "subsections" in the sixth line "1".

s. 73 (3) (a),
amended

(2) Clause *a* of subsection 3 of the said section 73 is amended by adding at the end thereof "on and after the 1st day of January, 1974, in respect of service after such date".

s. 73.
amended

(3) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Hamilton-Wentworth Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 6, and its successor, shall be entitled to negotiate with the Hamilton-Wentworth Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 73 (5),
re-enacted

(4) Subsection 5 of the said section 73 is repealed and the following substituted therefor:

Retirement
of present
members of
police of local
municipality

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force of a local municipality whose retirement age under By-law No. 7970 of the City of Hamilton was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining thirty-five years of service or sixty-five years of age whichever comes first and for the purpose of bargaining for benefits in the retirement plan established by the said By-law No. 7970 with the bargaining committee established under subsec-

SECTION 4. The functions transferred to the Regional Corporation under subsection 2 of section 61 are certain welfare matters. The amendment provides for any assets and liabilities in connection therewith to become those of the Regional Corporation.

SECTION 5.—Subsection 1. Similar in intent to subsection 1 of section 1 of the Bill, in relation to members of the Regional Police Force who were members of the City of Hamilton retirement plan.

Subsection 2. The amendment establishes the date as of which members of the Regional Police Force may participate in the supplementary Ontario Municipal Employees Retirement System plan as established for the Stoney Creek or Dundas Police Force.

Subsections 3 and 4. Self explanatory.

SECTION 6. The responsibility for supplying water throughout the Regional Area rests with the Regional Corporation. The amendment authorizes the imposition of a special rate on the area municipalities to defray the operational costs of the waterworks system and provides for the manner in which the area municipalities may raise the moneys chargeable to them.

SECTION 7. The Regional Corporation is empowered to grant monetary aid to persons who suffer loss in a common disaster.

SECTION 8. The amendment protects the rights of employees of an area municipality who stay on to complete certain functions in relation to industrial lands and at a later date join the staff of the Regional Corporation.

SECTION 9. The effect of the amendment is to establish for the Town of Ancaster a general speed limit of 30 miles per hour rather than 50 miles per hour.

tion 6, and its successor, the Hamilton-Wentworth Police Board shall stand in the place and stead of The Corporation of the City of Hamilton and the provisions of *The Police Act* apply, *mutatis mutandis*, thereto.

6. Section 76 of the said Act is amended by adding thereto ^{s. 76,} _{amended} the following subsections:

(8) The Regional Corporation may by by-law provide ^{Special rates} for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

7. Subsection 1 of section 115 of the said Act is amended by ^{s. 115 (1),} _{amended} inserting after "44" in the third line "46".

8. Section 117 of the said Act is amended by adding thereto ^{s. 117,} _{amended} the following subsection:

(3) In the event that any employee is required to re-^{Application of s. 27} main on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

9. Subsection 1 of section 134 of the said Act is amended by ^{s. 134 (1),} _{amended} adding at the end thereof "except the area municipality of the Town of Ancaster which shall be a town for the purpose of the said section 82".

10. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

11. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1973.* ^{Short title}

BILL 255

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

November 28th, 1973

2nd Reading

December 4th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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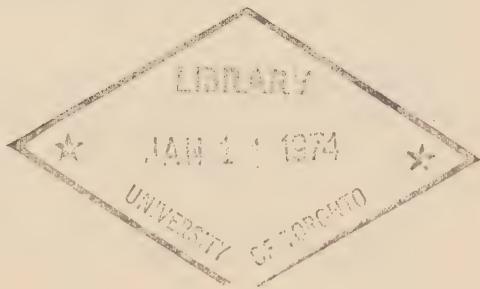
Government
Publications

BILL 253

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Hamilton-Wentworth
Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 253**1973**

**An Act to amend
The Regional Municipality of Hamilton-
Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 27 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding at the end thereof “and any employees who are members of the retirement plan established under By-law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees”. s.27 (1),
amended
- (2) Subsection 3 of the said section 27 is amended by striking s.27 (3),
amended out “is required to employ” in the second line and inserting in lieu thereof “employs”.
2. Section 51 of the said Act is amended by adding thereto s.51,
amended the following subsection:
 - (3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. Approval required to intersect regional road
3. Section 55 of the said Act is amended by adding thereto s.55,
amended the following subsection:
 - (11) The land division committee constituted under sub-section 10 stands in the place and stead of any committee of adjustment dissolved under subsection 9 for the purpose of completing the disposition of any application for consent that may have been pending before any such Land division committee stands in place of committee of adjustment

committee and that is not finally disposed of on or before the 31st day of December, 1973.

s. 61,
amended

- 4.** Section 61 of the said Act is amended by adding thereto the following subsection:

Assets
and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

s. 73 (1),
amended

- 5.—(1)** Subsection 1 of section 73 of the said Act is amended by inserting after "subsections" in the sixth line "1".

s. 73 (3) (a),
amended

(2) Clause *a* of subsection 3 of the said section 73 is amended by adding at the end thereof "on and after the 1st day of January, 1974, in respect of service after such date".

s. 73,
amended

- (3) The said section 73 is amended by adding thereto the following subsection:

Supple-
mentary
pension plans

(3a) Notwithstanding clause *a* of subsection 3, those members of the Hamilton-Wentworth Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 6, and its successor, shall be entitled to negotiate with the Hamilton-Wentworth Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

s. 73 (5),
re-enacted

- (4) Subsection 5 of the said section 73 is repealed and the following substituted therefor:

Retirement
of present
members of
police of local
municipality

(5) Notwithstanding the provisions of clauses *a* and *b* of subsection 3, those members of the police force of a local municipality whose retirement age under By-law No. 7970 of the City of Hamilton was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining thirty-five years of service or sixty-five years of age whichever comes first and for the purpose of bargaining for benefits in the retirement plan established by the said By-law No. 7970 with the bargaining committee established under subsec-

tion 6, and its successor, the Hamilton-Wentworth Police Board shall stand in the place and stead of The Corporation of the City of Hamilton and the provisions of *The Police Act* apply, *mutatis mutandis*, thereto.

- 6.** Section 76 of the said Act is amended by adding thereto<sup>s. 76,
amended</sup> the following subsections:

(8) The Regional Corporation may by by-law provide<sup>Special
rates</sup> for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(9) For the purpose of making payments chargeable to<sup>Raising
of money
by area
municipality</sup> the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

- 7.** Subsection 1 of section 115 of the said Act is amended by<sup>s. 115 (1),
amended</sup> inserting after "44" in the third line "46".

- 8.** Section 117 of the said Act is amended by adding thereto<sup>s. 117,
amended</sup> the following subsection:

(3) In the event that any employee is required to re-<sup>Application
of s. 27</sup> main on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation.

- 9.** Subsection 1 of section 134 of the said Act is amended by<sup>s. 134 (1),
amended</sup> adding at the end thereof "except the area municipality of the Town of Ancaster which shall be a town for the purpose of the said section 82".

- 10.** This Act comes into force on the day it receives Royal Assent.^{Commencement}

- 11.** This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1973*.^{Short title}

BILL 253

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

November 28th, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CAZON
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BILL 254

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend
The Ministry of Colleges and Universities Act, 1971

MR. LAUGHREN



TORONTO

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EXPLANATORY NOTE

The purpose of the Bill is to include a student and a faculty member on the board of governors of each college of applied arts and technology.

BILL 254

1973

**An Act to amend
The Ministry of Colleges and
Universities Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, is repealed and ^{s. 6(3),} re-enacted the following substituted therefor:

(3) There shall be a board of governors for each college ^{Boards of governors,} of applied arts and technology, which shall be a ^{cor-advisory} corporation with such name as the Minister may designate ^{committees} and shall be composed of a representative of the student body, a representative of the faculty, together with such other members and have such powers and duties, in addition to those under *The Corporations Act* as varied by <sup>R.S.O. 1970,
c. 89</sup> the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a program of instruction offered in the college other than programs of instruction referred to in subsection 5.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1973.* ^{Short title}

An Act to amend
The Ministry of Colleges and
Universities Act, 1971

1st Reading

November 28th, 1973

2nd Reading

3rd Reading

MR. LAUGHRAN

(*Private Member's Bill*)

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